

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Civil Revision No.1236 of 2022

Date of Decision: 04.04.2022

Ashwani Kumar Sudan

...Revisionist-petitioner

Versus

Rajesh Kumar Aggarwal

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Naveen Batra, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant petition, the petitioner has laid challenge to the order dated 17.03.2022 (Annexure P-4) passed by the Rent Controller-cum-Civil Judge (Junior Division) S.B.S. Nagar whereby his evidence has been closed in the petition as preferred by him for seeking the eviction of the respondent from the demised shop.

I have heard learned counsel for the revisionist-petitioner in the instant revision petition at the preliminary stage and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner could not conclude his evidence because he has remained bed-ridden being paralytic and he had appeared before the Rent Controller twice for his cross-examination but the same had not been concluded and therefore, the impugned order is not legally sustainable and deserves to be set-aside.

However, I do not find any merit in the afore-raised contentions because a perusal of Annexure P-3 (Colly), i.e the zimni orders passed by the Rent Controller in the said eviction petition, reveals that the

issues were framed on 01.2.2019 and the said petition was adjourned for recording the evidence of the petitioner. On 20.05.2019, the petitioner stepped into the witness-box as PW-1 and tendered his affidavit and his cross-examination was deferred on the request of the counsel for the respondent but thereafter, he did not appear for his cross-examination till 09.01.2020 inspite of the fact that during this interregnum, four effective opportunities were granted for the said purpose. Then, on 09.01.2020, he appeared in the Court and was partly cross-examined and his further cross-examination was deferred at the request of learned counsel for the respondent for want of certain documents but thereafter, he never ever bothered to appear in the Court for the above-said purpose and also failed to conclude his evidence despite availing as many as 16 (sixteen) effective opportunities, as categorically observed in the impugned order itself. As regards the plea of his health condition, it is worth-while to mention here that no medical record has been placed on the file to substantiate the same. It being so, no cogent ground for granting any further opportunity to the petitioner to lead/conclude his evidence is made out.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

04th April, 2022.

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No