

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

CR-2385-2022 (O&M)
Date of Decision: July 04, 2022

Nand Lal

...Petitioner

VERSUS

Davinder Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Bhupinder Kumar, Advocate
for the petitioner.

ARCHANA PURI, J.

The present revision petition has been filed by the petitioner thereby seeking setting aside of the order dated 01.12.2021 passed by learned Rent Controller, Jalandhar (Annexure P-11), whereby, the evidence of the petitioner, who was respondent before the Court below, has been closed by order.

It is now submitted by learned counsel for the petitioner that the case was firstly put up before learned Rent Controller for evidence of the present petitioner (who was respondent before the Court below) on 06.03.2020 and examination-in-chief of RW-1 was recorded. Then, the case was fixed for 13.03.2020 and examination-in-chief of RW-2 was recorded. Thereafter, on account of grave situation due to Covid-19, the case was adjourned further and only on three occasions, the witnesses were not present i.e. On 11.02.2021, 09.03.2021 and 05.04.2021. In the tabular form, the details of affixation of case on various dates has been given in paragraph No.3 of the revision petition.

It is also submitted that wrong observation has been made in the impugned order about the petitioner, having availed 17 effective adjournments and not concluding the evidence. Even, copies of the zimini orders passed by the Rent Controller, have been placed on record.

Now, further it is submitted by learned counsel for the petitioner that he shall take only one opportunity to produce witnesses i.e. RW-1 and RW-2 before the Court below and the petitioner is also not to lead any further evidence. Also, it is submitted that the case is fixed for rebuttal evidence before the Court below on 07.07.2022.

Considering the detail of the dates, when the case was fixed, the observation made by the Court below, is seemingly wrong about availing of 17 effective adjournments by petitioner to lead evidence. At the same time, it should always be kept in mind that the all the Courts have been functioning under constrained circumstances and it became difficult for the litigants also to procure the witnesses and to produce them during the Covid-19 period.

Considering the same, without prejudice to the rights of the parties, to be adjudicated on merits, the present revision petitioner is hereby allowed and petitioner is hereby given one opportunity to produce the witnesses on the date fixed before the Court below i.e. 07.07.2022 for the purposes of conducting of cross-examination of the said witnesses. However, this opportunity is given subject to the payment of Rs.10,000/- as costs, to be deposited with the District Legal Service Authority, concerned.

July 04, 2022
Vgulati

(ARCHANA PURI)
JUDGE
Yes
Yes/No

Whether speaking/reasoned
Whether reportable