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

CR No.4110 of 2022 (O&M)

Date of decision: 23.09.2022

Gopal Krishan Kalia

....Petitioner

Versus

Manohar Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 05.08.2022, passed by the trial Court vide which the evidence of the petitioner/tenant was closed by the Court order.

Counsel for the petitioner has argued that after the respondent/landlord concluded the evidence on 24.03.2021, the case was fixed for evidence of the petitioner/tenant and the case was adjourned on few dates on account of the COVID-19 pandemic and on 05.08.2022, the evidence of the petitioner was closed. It is further submitted that in fact, the counsel for the petitioner did not plead the case before the trial Court properly and therefore, he has engaged a new Lawyer and prays that one more opportunity be granted to conclude his entire evidence.

After hearing the counsel for the petitioner and noticing the fact that the rent petition is filed to seek eviction of the petitioner/tenant, issuance notice of motion is dispensed with, at this stage, in order to avoid any further delay.

Though, a perusal of the last few orders reflect that the petitioner has adopted a casual approach in not concluding his evidence, however, noticing the grounds taken in the present petition, I deem it appropriate to set-aside the order dated 05.08.2022 and direct the trial Court to grant one effective opportunity to the petitioner to conclude his entire evidence.

The trial Court will fix a date and in case the witnesses of the petitioner are present, however, counsel for the respondent/landlord could not cross-examine them on the said date, then one short date be also given for the said purpose.

In view of the above, the present petition is allowed and the order dated 05.08.2022, is set-aside.

This will, however, be subject to payment of costs of Rs.5,000/- to be paid to the respondent/landlord.

(ARVIND SINGH SANGWAN)
JUDGE

23.09.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No