

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

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Civil Revision No.5785-2022

Date of decision: 08.12.2022

HARISH JAIN

..... petitioner

VS

RAJESH JAIN AND ORS.

..... Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Ms.Mona Goyal, Advocate
for the petitioner

ALOK JAIN, J. :

The present petition raises challenge to the order dated 11.11.2022 (Annexure P-1), allowing the application for recalling of the order dated 03.11.2022, whereby evidence of respondent No.7/defendant No.7 was closed.

Vide impugned order, the learned Court below allowed the said application and directed respondent No.7 therein to conclude the evidence on that very day as the only evidence sought to be produced was presence of Ms.Gaytri, Record Keeper, who was present and had produced the record.

Learned counsel for the petitioner has vehemently argued that the learned court below fell in error in reviewing the order dated 03.11.2022 and has emphasized that notice of the said application should have been issued.

She further relies upon the judgment passed by a Coordinate Bench of this Court in **Civil Revision No.1269-2014**, decided on 09.05.2019, titled “*Satwant Kaur and another vs. Harvinder Singh.*”

A perusal of the said judgment shows that the said case was under the Rent Control Act and it is an established principle of law that all the provisions of CPC are not applicable to the rent proceedings.

Learned counsel for the petitioner has further relied upon the judgment of Allahabad High Court reported as **2012(33) RCR (Civil) 68**, titled "*Sant Ram and others vs. 1st ADJ and others*", to contend that no order could have been passed in the absence of the petitioner.

After considering the arguments raised by the petitioner, I do not find any merit in the same, as the perusal of the impugned order clearly records the presence of counsel for the petitioner-plaintiff and in the backdrop of his presence it seems that the learned lower Court recorded that the notice is not required to be issued. More so, the said evidence has already been recorded and the counsel for the petitioner could not persuade this Court as to how the evidence was prejudice to the case of the petitioner. The entire exercise seems to only procrastinate the proceedings, which are fixed for final adjudication.

In view of the above, finding no merit in the present petition, the same stands dismissed.

(ALOK JAIN)
JUDGE

08.12.2022

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No.