

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

CR No. 488 of 2023

DATE OF DECISION :- January 24, 2023

Chetan Monga

...Petitioner

Versus

Col. Jatinder Pal Singh Gill and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. D.V. Sharma, Sr. Advocate
with Mr. Manbir Singh, Advocate for the petitioner.

Notice of motion.

Mr. Ayush Gupta, Advocate has filed memo of appearance for respondent No. 1, which be taken on record.

Feeling aggrieved by the order dated 11.1.2023 passed by Rent Controller closing evidence of respondent in the ejectment petition by order such respondent has brought the present revision petition praying that by way of acceptance of revision petition the order in question be set aside.

During arguments learned counsel for the petitioner has reiterated the assertions made in the revision petition stating that the revision petitioner was not at fault for non appearance of Ashwani Kumar, Stamp Vendor despite that the evidence of respondent was closed by order.

Whereas learned counsel for respondent No. 1 has controverted such assertions stating that plaintiff the respondent has been granted sufficient opportunities to adduce evidence and failed to do so in making attempt to prolong the proceedings, therefore, impugned order was rightly passed and there is no ground to set it aside.

After considering the rival contentions, I find that keeping in view

the facts and circumstances of the case and in the interest of justice, one more opportunity should be granted to the respondent to conclude his remaining evidence at his own responsibility.

Accordingly, the impugned order is set aside and respondent is granted one more opportunity to conclude his evidence by producing evidence before Rent Controller at his own responsibility subject to payment of Rs.10,000/- as costs to the petitioner. The payment of cost shall be a condition precedent for allowing the respondent to produce further evidence. The Rent Controller shall fix a date of three weeks on payment of cost by respondent to the petitioner. The respondent shall take Dasti summons for service of Ashwani Kumar, Stamp Vendor. Learned Senior Counsel for the petitioner states that Ashwani Kumar, Stamp Vendor has gone underground on account of registration of F.I.R against him and it may not be possible to get his service effected.

Under the circumstances, respondent may move appropriate application before the Rent Controller to examine some other person in his place or to lead secondary evidence at the earliest so that the said witness can be produced in the Court on the date fixed by the Rent Controller. Let the cost be paid within one week from today as per request of learned counsel for the revision petitioner. The amount be released to the petitioners proportionately.

Accordingly, the revision petition stands allowed.

(H.S. MADAAN)
JUDGE

January 24, 2023

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No