

CR-2288-2023 (O&M)

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

CR-2288-2023 (O&M)

Date of Decision: 19.04.2023

Nanakjit

....Revisionist

Versus

Shri Gaurav Kumar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Chetan Bansal, Advocate for
Mr. Rahul Bhargava, Advocate
for the revisionist.

Mr. Harsimrat Randhawa, Advocate
for respondents No.1 to 3.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 14.03.2023 (Annexure P-1) passed by Ld. Rent Controller, Amritsar, whereby evidence of revisionist/tenant, was closed.

2. Succinct facts first, as pleaded in the revision.

2.1. Respondent/landlords filed an eviction petition (Annexure P-2) under Section 13 of East Punjab Urban Rent Restriction Act, 1949. When the eviction petition was fixed for evidence of revisionist/tenant, he filed an application dated 14.02.2023 (Annexure P-3) for summoning of witnesses, which was allowed by Ld. Rent Controller and the revisionist/tenant was allowed to deposit diet money as per rules. In pursuance thereof, revisionist deposited diet money on 15.02.2023 vide receipt (Annexure P-4) and summons to the witnesses (Annexure P-5) were issued on 24.02.2023 to appear on 02.03.2023. One of the witnesses summoned, namely, Jaskaran Singh appeared on 02.03.2023 and was examined completely.

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However, Ld. Rent Controller thereafter closed evidence of revisionist/tenant vide impugned order dated 14.03.2023 (Annexure P-1).

3. Learned counsel for revisionist would argue that Ld. Rent Controller while passing impugned order in a hasty manner, completely ignored the well settled principles of law in closing the evidence of revisionist by ignoring vital aspects of the matter and acted with material irregularity. He would further argue that Ld. Rent Controller didn't even mention the status of service of the witnesses which clearly shows that there was a total non-application of mind on behalf of learned Rent Controller while passing the impugned order.

4. Per contra, upon advance knowledge of the listing of instant petition, learned counsel appears for respondents No.1 to 3. However, adopting a fair approach, he states that he has no objection if one opportunity is granted to the revisionist subject to payment of reasonable costs.

5. In view of the aforesaid scenario, revision stands allowed. Impugned order is set aside. Ld. Rent Controller to give one effective opportunity to revisionist to lead his evidence subject to payment of costs of Rs.25,000/- to be paid to respondent/landlords. Needless to say that Ld. Rent Controller has his/her own discretion to grant further opportunities depending upon exigency of work before it.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

April 19, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No