

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

**Civil Revision No. 4347 of 2023 (O&M)
Date of Decision: 03.08.2023**

Gurvinder Singh

..... Petitioner

Versus

Shri Sanatan Dharm Mahabir Dal (Regd).,
Bathinda and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurbir Singh Sidhu, Advocate and
Mr. Mohit Kumar, Advocate, for the petitioner-tenant.

HARKESH MANUJA, J. (ORAL)

CM-13456-CII-2023

Application is **allowed**, as prayed for, subject to all just exceptions.

Exemption from filing the certified and typed copies of the impugned order dated 16.05.2023 passed by learned Additional Civil Judge (Senior Division), Bathinda and documents Annexures P-1 to P-6, is granted.

MAIN CASE

By way of present revision petition, challenge has been laid to the order dated 16.05.2023 passed by learned Rent Controller-cum-Additional Civil Judge (Senior Division), Bathinda, whereby the evidence of petitioner-tenant has been closed by court order.

[2] In the present case, an eviction petition came to be filed at the instance of respondent-landlord against the petitioner *qua* tenanted premises

i.e. shop bearing No. B-32 (old No. 5-C) measuring about 16' x 19' of Shri Sanatan Dharm Mahabir Dal (Regd.), Bathinda-respondent No. 1.

[3] In the aforesaid petition, petitioner-tenant filed his written statement on 09.11.2021 and the matter was posted for recording of evidence. Upon conclusion of the evidence led by respondent-landlord, the evidence of the petitioner-tenant commenced and an application dated 21.02.2023 came to be filed at the instance of petitioner-tenant seeking permission to deposit diet money and process fee for summoning of witnesses. The said application was partly allowed on 23.03.2023 and in pursuance thereof, the witnesses of petitioner were examined. On 16.05.2023, the petitioner-tenant tendered certain documents i.e. (i) certified copy of complaint regarding demolition of shop in question; (ii) copy of petition filed under Section 12 of the East Punjab Urban Rent Restriction Act, 1949 and wanted to prove the same; however, learned Rent Controller did not grant permission for the same and the evidence was closed by Court order.

[4] Learned counsel for the petitioner submits that the aforementioned documents are very much relevant to substantiate the defence put forth by the petitioner-tenant and even would help the Court below to adjudicate the matter effectively.

[5] I have heard learned counsel or the petitioner and gone through the paper-book.

[6] A perusal of the record shows that it is not the case where the petitioner-tenant has merely been delaying the proceedings with any *mala fide* intent to delay the eviction. The record also shows that the petitioner-tenant has been pursuing the eviction petition in a *bona fide* manner and has

led evidence in support of his defence taken in the written statement, however, it is only when the petitioner-tenant tendered documentary evidence and intended to prove the same through witnesses, the impugned order was passed thereby closing his right of evidence.

[7] In the facts and circumstances of the present case, wherein petitioner-tenant has been acting in a diligent manner while pursuing his litigation in order to advance the cause of justice, I deem it appropriate to grant him two effective opportunities within a span of one month so as to conclude his entire evidence at his own risk and responsibility, subject to payment of costs of Rs. 20,000/- to be deposited by the petitioner-tenant before the Court below, to be paid to respondent No. 1-landlord

[8] **Disposed off**, accordingly.

[9] It is made clear that nothing expressed hereinabove shall be construed as an expression of opinion on the merits of case, besides it the present petition is being disposed off without issuing notice to respondent No. 1-landlord as it may delay the proceedings pending before the learned Rent Controller and also burden the landlord of unnecessary cost of litigation.

Pending miscellaneous application(s), if any, shall also stand disposed off.

August 03, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No