

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4742-2023 (O&M)

Date of Decision: 21.8.2023

Gurvinder Singh

....Petitioner

VERSUS

Shri Sanatan Dharam Mahabir Dal (regd.) and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gurbir Singh Sidhu, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

Present revision petition has been filed by the tenant/petitioner against order dated 23.3.2023 passed by the Court of learned Rent Controller, Bathinda in RP-19-2020 whereby the application filed by the petitioner for calling witnesses by getting deposited diet money, has been partially allowed.

2. Counsel for the petitioner *inter alia* submits that respondent No.1 has filed an ejectment petition against the petitioner and respondents No.2 to 4 with regard to the property in question; that the ejectment petition is being contested by the petitioner and respondents No.2 to 4; that respondent No.1 has concluded his evidence and thereafter, the petition was fixed for evidence of the petitioner and the petitioner filed an application (Annexure P-3) to summon 4 witnesses in support of his defence and learned Rent Controller allowed the said application with regard to 3 witnesses namely concerned Clerk of Municipal Corporation, Bathinda along with record, Gurtej Singh Mason and Manoj Kumar tenant in shop

No.33-B. However, request of the petitioner to summon concerned Clerk/dealing Clerk of respondent No.1 along with concerned record, has been declined vide impugned order dated 23.3.2023.

3. Counsel for the petitioner further submits that the concerned Clerk of respondent No.1 requires to be summoned along with concerned record as he is a material witness. So, prayer is made that the impugned order be set aside to the extent stated above with permission to the petitioner to summon the concerned Clerk of respondent No.1 along with the record.

4. I have considered the submissions made by the counsel for the petitioner.

5. As per the counsel for the petitioner, ejectment petition has been filed by respondent No.1 on the grounds of non-payment of rent and sub-letting. There is no dispute between the parties with regard to relationship of landlord and tenant. In the given circumstances, it is not clear as to for what purpose, the petitioner intends to summon the concerned Clerk of respondent No.1 along with record of demolition and re-construction of certain building.

6. The counsel for the petitioner submits that he will explain to the court of learned Rent Controller as to for what purpose, said witness is necessary to be examined.

7. In view of above, the impugned order to the extent it has been challenged in the present petition, is hereby set aside and the petitioner is directed to explain and satisfy the learned Rent Controller as to for what purpose, he intends to examine the concerned Clerk of respondent No.1 and if his examination is necessary for just decision of the case. The learned

Rent Controller should also hear the opposite party and then pass fresh order as to whether clerk of respondent No.1 is to be summoned or not, taking into consideration all the facts and circumstances of the case. The petitioner is directed to appear before the learned Rent Controller on the next date already fixed in the ejectment petition.

(KARAMJIT SINGH)
JUDGE

August 21, 2023

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No