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2023:PHHC:142310

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

CR-6667-2023

Date of decision: 07.11.2023

SARABJIT SINGH

.... Petitioner

Versus

DUPINDER KAUR AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ankit Kharbanda, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 22.09.2023 passed by learned Civil Judge (Junior Division), Amritsar, whereby the evidence of the petitioner has been closed by order.

2. Briefly stated, the respondent-Dupinder Kaur filed an application under Section 13 of East Punjab Urban Rent Restriction Act-III of 1949 for ejectment of Sarabjit Singh (petitioner) and Maninder Singh (proforma respondent No.2). Despite numerous opportunities, the petitioner could not conclude his evidence. Hence, vide order dated 22.09.2023, his evidence was closed. By way of present petition, he is seeking one more opportunity to conclude his evidence.

3. Learned counsel for the petitioner submits that the petitioner just want to examine one witness who is concerned Clerk to Municipal

Corporation, Amritsar, along with relevant record. It is submitted that the rent petition is filed on the ground of bona fide necessity and one kothi is occupied by the respondent-landlord. An application was moved for summoning the said witness along with the record, and the learned trial Court passed orders for summoning the said witness, but that orders are silent whether the witness was served or not served. He has placed on file copy of orders dated 14.08.2023, 22.08.2023, 02.09.2023 whereby directions were given to issue summons, but despite that the presence of the witness was not procured and hence, the evidence of the petitioner was closed by order.

4. Learned counsel for the petitioner submits that the petitioner will take the summons dasti and get the witness served at his own responsibility and produce him and would not claim any further opportunity.

5. Keeping in view the fact that the procedure is handmaid to the administration of justice and it is meant for advancement of justice; the petitioner should not be non-suited merely on procedural technicalities.

6. If notice of this petition is given to the respondent-landlord, then it may linger on the case and may cause financial burden to the respondent-landlord.

7. So, in the interest of justice, present petition is disposed with a direction to the trial Court to give one opportunity to the petitioner to examine the witness who is concerned Clerk to Municipal Corporation, Amritsar, along with relevant record, subject to payment of costs of Rs.3,000/- to the respondent-landlord. The said witness shall be produced at own responsibility by petitioner. The petitioner may take dasti summons

for service of said witness.

8. If the respondent-landlord is not satisfied with this order, she can move an application for recalling of this order within 30 days.

(GURBIR SINGH)
JUDGE

November 7, 2023
sanjeev

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