

Jeevan Preet Singha

...Petitioner

Versus

Gurdial Singh Dhaliwal

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Sudesh Sahi, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 18.10.2023 (Annexure P-6) passed by the Ld. Civil Judge (Jr. Division)-cum-Rent Controller, Chandigarh whereby evidence of the petitioner/defendant has been closed by order.

2. Learned counsel for the petitioner submits that father of petitioner was ill and was admitted in the hospital for treatment. The petitioner has no intention to delay the disposal of rent petition. He further submits that the petitioner would be satisfied if one opportunity is granted to petitioner to produce his evidence at his own responsibility.

3. Although there is some inaction on the part of the petitioner but trial Court did not take any coercive action to close the evidence, so, in the interest of justice, order dated 18.10.2023 (Annexure P-6) passed by the Ld. Civil Judge (Jr. Division)-cum-Rent Controller, Chandigarh is hereby set aside and this petition is disposed of with a direction to the trial Court to give one opportunity to the petitioner to produce his entire evidence at his own responsibility but subject to payment of costs of Rs.10,000/- out of which

Rs.3,000/- is to be paid to the opposite party and remaining Rs.7,000/- is to be deposited in the account of concerned District Legal Services Authority. The learned trial Court shall fix the date for evidence of petitioner and the witnesses be cross-examined on the same day, if not cross-examined then they be cross-examined within a week thereafter. No further opportunity shall be granted. In case of default, this order shall stand automatically vacated.

4. If the respondent is not satisfied with this order, he can move an application for recalling of this order within 30 days.

11.12.2023
Parveen kumar

(GURBIR SINGH)
JUDGE

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