

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.616 of 2024
Date of Decision: 28.02.2024

Surender Singh Verma
...Revisionist-Petitioner

Versus

Sasanka Sekhar Aich
...Respondent

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Virender Kumar, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-tenant (here-in-after to be referred as ‘the tenant’) has laid challenge to the order (Annexure P-6) passed by learned Rent Controller, Panchkula on 05.12.2023 in **Rent Petition No.5 of 2023** titled as **“Sasanka Sekhar Aich vs. Surender Singh Verma”**, whereby the application moved by him (as respondent in the said Petition) for summoning the official from the Estate Office HSVP, Panchkula, has been dismissed and his evidence has been closed.

2. I have heard learned counsel for the petitioner-tenant in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. A perusal of the copies of the ‘zimnie’ orders, as passed by the Rent Controller in the above-referred Rent Petition and submitted by learned counsel for the tenant in the Court today, reveals that the respondent-landlord (the petitioner in the said Petition) had concluded his evidence on 24.08.2023 and thereafter, the tenant has been afforded four opportunities to adduce his

evidence, before closing the same. Keeping in view the facts that as reflected in his medical-record Annexure P-8 (Colly), the tenant has been undergoing the treatment and in case, he is deprived of the reasonable opportunity to lead his evidence, he would suffer an irreparable loss that may further lead to/result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if the tenant is granted one more opportunity to lead/conclude his evidence but subject to the payment of cost to the respondent-landlord.

4. Resultantly, without issuing notice to the respondent-landlord so as to avoid any further delay in the adjudication of the afore-mentioned Rent Petition and also to avert the expenses that he (landlord) may have to incur to defend in this petition, the impugned order dated 05.12.2023 is set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned Rent Controller to afford one effective opportunity to the tenant to conclude/lead his evidence but the payment of cost to the tune of Rs.5,000/- to the respondent-landlord shall be a condition precedent for doing so and in case of default on the part of the tenant in concluding his evidence or in the payment of cost on the date as may be scheduled by the trial Court in terms of this order, he (tenant) shall not be entitled to any further opportunity for the above-said purpose.

5. It is also clarified here that in the eventuality of the respondent-landlord feeling aggrieved by this order, he shall be at liberty to move the appropriate application to contest the instant revision-petition.

28.02.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No