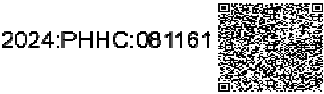


CR No.3611 of 2024



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.3611 of 2024
Date of Decision: 01.07.2024

ATUL SOODPetitioner(s)
Vs
SUKHBIR SINGHRespondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sanjay Tangri, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Article 227 of the Constitution of India, prayer has been made for setting aside the orders dated 11.10.2023 and 03.01.2024 whereby the evidence of the petitioner-tenant was closed by Court order by the Rent Controller, Hoshiarpur besides declining the prayer made on his behalf for leading additional evidence.
- [2]. Briefly stating, respondent-landlord filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act against the petitioner-tenant for evicting him from the tenanted premises consisting of shop situated at Jalandhar Road, Hoshiapur on the ground of arrears of rent as well as personal necessity.
- [3]. Upon conclusion of the pleadings framing of issues and recording of evidence by the respondent-landlord, the rent petition was listed for the evidence of petitioner-tenant on 19.07.2023 and the same was closed by Court order on 11.10.2023. By that time the petitioner-tenant could only examine himself and

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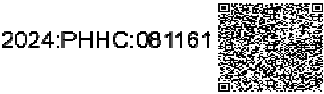
none else. Later the petitioner-tenant moved an application seeking permission to lead additional evidence for the purposes of examining two witnesses namely Pankaj Sood and Sarabjit Singh, however the said prayer came to be declined by the Rent Controller vide order dated 03.01.2024.

[4]. Impugning the aforesaid orders dated 11.10.2023 and 03.01.2024, learned counsel for the petitioner submits that the petitioner since disputed the factum of tenancy, as such, for the said purpose the aforesaid two witnesses were very much necessary to be examined so as to establish the said plea. Learned counsel further submits that the Rent Controller did not afford adequate opportunity to the petitioner to conclude his evidence as the entire course relating to recording of his evidence was concluded within a period of three months. Learned counsel also submits that even the prayer made for leading additional evidence was not appreciated in its correct perspective by the Rent Controller.

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

[6]. It may be pointed out here that no notice is required to be issued to the respondent at this stage as it may further delay the disposal of the rent petition filed at his instance and even otherwise burden him towards unnecessary litigation expenses.

[7]. Perusal of the record shows that the proceedings before the Rent Controller, for the purpose of recording of evidence of petitioner-tenant were listed for the first time on 19.07.2023 and thereafter almost 07 effective opportunities were afforded to him so as to conclude his entire evidence whereas he could only



produce himself as RW-1, thereby resulting into passing of order dated 11.10.2023 closing his evidence in affirmative.

[8]. Further once the petitioner could not produce his evidence in affirmative despite having raised the plea of denial of tenancy, the evidence which was already available to him was rightly declined to be produced in the shape of additional evidence and, thus, even the order dated 03.01.2024 seems to be justified. However, considering the fact that petitioner is a tenant and has a right to contest the eviction petition and also to prove the case set up in the reply, thus, purely in the interest of justice and for the purposes of affording him an opportunity to establish his defence, one last opportunity is granted in his favour for the purpose of examining his two witnesses namely Pankaj Sood and Sarabjit Singh, which he undertakes to do so on the date fixed i.e. 03.07.2024 and that too at his own responsibility. The same shall, however, be subject to payment of cost(s) of Rs.25,000/- to be paid by the petitioner to the respondent-landlord on the date fixed.

[9]. In view of above, the present petition is allowed and the impugned orders dated 11.10.2023 and 03.01.2024 passed by the Rent Controller, Hoshiarpur are hereby quashed.

July 01, 2024
Atik

(HARKESH MANUJA)
JUDGE

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