

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CR-1457-2024 (O&M)
Decided on: 14.03.2024

Jeevan Preet Singha

...Petitioner

Versus

Gurdial Singh Dhaliwal through his LRs

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Sudesh Sahi, Advocate
for the petitioner.

RITU TAGORE, J.

1. The challenge in this revision is to the order dated 22.02.2024 (Annexure P-8) passed by learned Civil Judge (Junior Division)-cum-Rent Controller, Chandigarh in a Rent Petition or ARC No.334 of 2021 captioned as 'Gurdial Singh Dhaliwal Vs. Jeevan Preet Singha' whereby evidence of petitioner (defendant) been closed by Court order. A prayer is made to set aside the impugned order and grant one opportunity to the petitioner to lead evidence.
2. I have heard learned counsel for the petitioner and gone through the paper-book with their valuable assistance.
3. Learned counsel for the petitioner submits that the respondent-petitioner has filed a Rent Petition under Section 13 of East Punjab Urban Rent Restriction Act for the eviction of the petitioner from two rooms, small kitchen and washroom on the ground floor of premises House No.1083,

Sector 27-B, Chandigarh on the grounds of arrears of rent and personal necessity. The petitioner is contesting the aforementioned petition (Annexure P-1) by taking respective pleas in his written statement. The learned counsel submitted that during the pendency of the petition, petitioner's father fell ill and was admitted in the hospital and as such the petitioner could not lead his evidence and same was closed by Court order, that necessitated the petitioner to file a revision bearing No.CR-6735 of 2023, which came to be allowed vide order dated 11.12.2023 (Annexure P-4).

4. The learned counsel contended that in compliance of order dated 11.12.2023 (Annexure P-4), the petitioner led his evidence on 18.12.2023, however his cross examination was partly recorded and remaining was deferred by the learned trial Court. Meanwhile, respondent Gurdial Singh, unfortunately passed away on 05.01.2024 and his LRs were brought on record. Learned counsel stated that on 22.02.2024 petitioner and his witness Satish Harnalis along with his affidavit were present in the Court and were asked to wait till lunch and the counsel for the respondent was not available and thereafter the petitioner was informed by the Court official that the case had been scheduled for the next date on the request of the counsel for the respondent but his evidence was wrongly closed by the Court. The learned counsel stated that in the interest of justice, the petitioner should be given one opportunity to present his evidence lest material prejudice be cause to the petitioner, as his cross examination has not yet been completed.

5. Considering the limited prayer made in this revision, notice to respondent is dispensed with.

6. Although, I find that the petitioner has been negligent in not prosecuting the litigation with due diligence but still it could not be suggested

that delay has been caused by the petitioner for any *mala fide* reasons. It is well established that the Court should adopt a liberal approach and rights of the parties should be adjudicated on the merits of the controversy rather thwarting the same on rigid technicalities. Furthermore, the counsel on behalf of the petitioner undertakes to conclude his evidence in one opportunity.

7. In circumstances to do complete justice between the parties, I believe that one opportunity be granted to the petitioner to conclude his evidence on due date of hearing or any other date convenient to the opposing party and the Court’s own workload. Accordingly, impugned order dated 22.02.2024 (Annexure P-8) is set aside, subject to Rs.25,000/- as costs payable by the petitioner to the respondents (LRs of deceased petitioner-landlord). In case of default, this order shall stand automatically vacated.
8. Respondents (LRs of deceased petitioner-landlord) if not satisfied with this order, may move an application for recalling of this order within 30 days.
9. Accordingly, revision petition is disposed of in above terms.
10. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

14.03.2024
Rimpal

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