



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CR-5034-2024

Date of Decision: 03.09.2024

HAROON RASHID KHAN

.....Petitioner

Vs.

MOHAMMAD ARIF KHAN AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Jai Bhagwan, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Assailing the order dated 22.08.2024 (Annexure P-5) passed by learned Rent Controller Malerkotla, whereby evidence of the petitioner (*tenant before Rent Controller*) has been closed, it is contended by learned counsel that concerned official from Special Branch, ASI Bhagwan Singh had appeared before the Court on 07.05.2024 and had made the statement that the concerned summoned record was in the custody of SSP (foreigner registration officer Malerkotla) and so the concerned record was to be produced from that authority. Thereafter, the petitioner deposited necessary process fee and diet money and summons (Annexure P-6) were issued. Report was received that HC Kuldeep Singh had received the summons. However, without ensuring the presence of said witness and without examining him, the Court has closed the evidence of the respondent by way of the impugned order.

2. Learned counsel contends further that only this witness i.e. the concerned Clerk in the office of SSP, Malerkotla as summoned by summons (Annexure P-6), is required to be examined.

3. Without issuing any notice to respondent so as to avoid unnecessary delay, this petition is hereby disposed of with the direction to Id. Rent Controller, Malerkotla so as to provide an opportunity to the petitioner-tenant to examine the concerned Clerk in the office of SSP, Malerkotla with the summoned record. The Court shall ensure the presence of the concerned witness



by issuing necessary coercive process, in case despite service of summons, the witness does not appear.

4. Since this order has been passed without issuing any notice to respondent (petitioner before the Rent Controller), he will be at liberty to approach this Court, in case he feels aggrieved by this order.

03.09.2024
pry

(DEEPAK GUPTA)
JUDGE

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