



111

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-5260-2024

Date of decision: 13.09.2024

Arun Kumar

...Petitioner

Versus

Ramesh Kumar Moda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 19.07.2024 (Annexure P-1) passed by the Rent Controller, Bhiwani in case CIS No.RP-17-2019 titled as “Ramesh Kumar Moda Vs. Arun Kumar” whereby the evidence of the petitioner has been closed by Court order.

2. The respondents had filed a petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 seeking ejectment of the present petitioner from the shop in question on the ground of non-payment of rent and also on the ground that the shop in question was lying closed. A written statement to the said petition was filed and evidence of the respondents was closed on 31.10.2023 and the case was fixed for 17.11.2023 for the evidence of the present petitioner.



3. On 17.11.2023, the petitioner did not produce any witness and the case was adjourned to 07.12.2023. Even on 07.12.2023, the petitioner did not produce any witness and the matter was adjourned to 18.01.2024. Thereafter, on 18.01.2024 again, the petitioner did not examine any person and the matter was adjourned to 20.02.2024, on which date also no witness was produced by the petitioner and the Rent Controller vide order dated 20.02.2024 adjourned the matter to 02.05.2024 stating it to be the last opportunity. Even on 02.05.2024, the petitioner did not produce any witness and it was observed by the Rent Controller that one last opportunity is granted to the petitioner to lead his evidence failing which the evidence of the petitioner would be deemed to be closed by Court order and the matter was adjourned to 22.05.2024. Yet again on 22.05.2024, the petitioner did not produce any witness and the case was adjourned subject to payment of costs and one more last opportunity was granted to the petitioner for producing his evidence and it was reiterated that failing which, the evidence of the petitioner shall be deemed to be closed by Court order and the matter was adjourned to 19.07.2024. On 19.07.2024, the petitioner again did not produce any evidence in spite of several opportunities, including the last opportunity, and including the pre-emptory order and thus, the Rent Controller closed the evidence of the petitioner by Court order and adjourned the case to 09.08.2024 for rebuttal evidence. The zimni orders dated 17.11.2023 to 19.07.2024 passed by the Rent Controller, Bhiwani are reproduced hereinbelow:-

“ORDER DATED 17.11.2023:-

Present: Sh. C.P. Verma, Advocate for the petitioners.



*Sh. Sikander and Sh. Dharmender Malik,
Advocate for respondent.*

*Today the case is fixed for evidence of respondent.
No RW is present. On request of learned counsel for
respondent, case stands adjourned to 07.12.2023 for evidence
of respondent.*

*(Amit Gautam),
Rent Controller, Bhiwani*

Date of order: 17.11.2023

(UID No.0289)

ORDER DATED 07.12.2023:-

*Present: Sh. C.P. Verma, Advocate for the petitioners.
Sh. Sikander and Sh. Dharmender Malik,
Advocate for respondent.*

*Today the case is fixed for evidence of respondent.
No RW is present. On request of learned counsel for
respondent, case stands adjourned to 18.01.2024 for evidence
of respondent.*

*(Amit Gautam),
Rent Controller, Bhiwani*

Date of order: 07.12.2023

(UID No.0289)

ORDER DATED 18.01.2024:-

*Present: Sh. C.P. Verma, Advocate for the petitioners.
Sh. Sikander and Sh. Dharmender Malik,
Advocate for respondent.*

*Today case is fixed for evidence of respondent. No
RW is present. On request of learned counsel for respondent,
case stands adjourned to 20.02.2024 for evidence of
respondent.*

*(Amit Gautam),
Rent Controller, Bhiwani*

Date of order: 18.01.2024

(UID No.0289)



ORDER DATED 20.02.2024:-

*Present: Sh. C.P. Verma, Advocate for the petitioners.
Sh. Sikander and Sh. Dharmender Malik,
Advocate for respondent.*

*Today case is fixed for evidence of respondent. No RW is present. On request of learned counsel for respondent, case stands adjourned to 02.05.2024 for evidence of respondent. **It shall be the last opportunity.***

(Amit Gautam),

Rent Controller, Bhiwani

Date of order: 20.02.2024

(UID No.0289)

ORDER DATED 02.05.2024:-

*Present: Sh. C.P. Verma, Advocate for the petitioners.
Sh. Sikander and Sh. Dharmender Malik,
Advocate for respondent.*

*Today the case is fixed for evidence of respondent. No RW is present. An adjournment is requested by learned counsel for the respondent. Heard and allowed. Now, the case stands adjourned to 22.05.2024. **In the interest of justice, one last opportunity for evidence of respondent is granted, failing which evidence of respondent shall be deemed to be closed by Court Order.***

Date of Order: 02.05.2024

(Ashish Kumar Sharma)

Rent Controller, Bhiwani

UID No. HR00266

ORDER DATED 22.05.2024:-

*Present: Sh. C.P. Verma, Advocate for petitioners.
Sh. Sikander and Sh. Dharmender Malik,
Advocate for respondent.*

Today case is fixed for evidence of respondent. No



RW is present. An adjournment is requested by learned counsel for the respondent. Heard and allowed. Now, the case stands adjourned to 19.07.2024, for evidence of respondent, subject to payment of costs to be deposited in DLSA, Bhiwani.

In the interest of justice, one more last opportunity for evidence of respondent is granted, failing which evidence of respondent shall be deemed to be closed by Court order.

Date of Order: 22.05.2024

(Ashish Kumar Sharma)

CJ (SD), Bhiwani

UID No. HR00266

ORDER DATED 19.07.2024:-

*Present: Sh. C.P. Verma, Advocate for petitioners.
Sh. Sikander and Sh. Dharmender Malik,
Advocate for the respondent.*

Today the case is fixed for evidence of respondent subject to last opportunity. No evidence of respondent is present. An adjournment is requested by learned counsel for respondent, which is strongly opposed by the learned counsel for petitioners. Heard. A perusal of the case file shows that the respondent has already availed five effective opportunities including three last opportunities to conclude his evidence but has failed to conclude his evidence. No further opportunity is justified for evidence of respondent. Therefore, evidence of respondent is hereby closed by Court order. Now, to come up on 09.08.2024 for rebuttal evidence if any, otherwise for arguments.

(Ashish Kumar Sharma),

RC, Bhiwani

(UID No.HR-00266)

Date of order: 19.07.2024”



4. Subsequently, the case was fixed for 09.08.2024 however the present revision petition has been drafted on 09.09.2024 and has been filed thereafter. Learned counsel for the petitioner has submitted that the petitioner be given one more opportunity to lead his evidence and the impugned order dated 19.07.2024 (Annexure P-1) be set aside.

5. This Court has considered the prayer made by the petitioner but finds that in the present case, the petitioner does not deserve any further opportunity as the petitioner has repeatedly tried to delay the proceedings which have been initiated by the respondents with respect to eviction of the shop in question. As is apparent from the zimni orders reproduced hereinabove, the petitioner has not produced any evidence in spite of the fact that seven opportunities were granted to the petitioner to lead his evidence which included three last opportunities. No evidence was led in spite of passing of two orders dated 02.05.2024 and 22.05.2024 which were pre-emptory in nature and in which it was specifically observed that if evidence is not produced on the next date then the evidence would be deemed to be closed. In such circumstances, this Court is of the opinion that the impugned order dated 19.07.2024 (Annexure P-1) is in accordance with law and does not call for any interference. The present revision petition being meritless, deserves to be dismissed and accordingly, the same is dismissed.

13.09.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No