



CR-5261-2024

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5261-2024

Date of decision : 12.09.2024

Manjit Singh

... Petitioner

Versus

Ranjit Singh Makhni (since deceased) through his LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ashish Aggarwal, Advocate for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 08.04.2024 (Annexure P-1) passed by the Rent Controller, Amritsar in a rent petition no.222/2018 dated 21.05.2018 titled as “Manjit Singh vs. Ranjit Singh Makhni” whereby the application filed under Order XXVI Rule 9 read with Section 151 CPC for the appointment of Local Commissioner has been dismissed. Challenge has also been made to the order dated 02.08.2024 (Annexure P-2) passed by the Rent Controller, Amritsar whereby the evidence of the petitioner has been closed by order.

2. In view of the judgment passed by the Division Bench of this Court in the case of ***Pritam Singh vs. Sunder Lal*** reported as ***1990(2) PLR 191*** and also the judgment passed by the learned Single Bench in Civil Revision no.2752 of 2022 titled as ***Harchand vs. Karambir Singh and another***, learned counsel for the petitioner has submitted that as far as

**CR-5261-2024****2**

challenge to the impugned order dated 08.04.2024 with respect to the appointment of Local Commissioner is concerned, he be permitted to withdraw the present petition with liberty to take up all the points during the course of trial.

3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with respect to challenge to the order dated 08.04.2024 (Annexure P-1) with liberty to take up all the points during the course of trial.

4. With respect to challenge to the order dated 02.08.2024, learned counsel for the petitioner has submitted that the petitioner is a landlord and he had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the respondent on the ground of non-payment of arrears of rent and also on the ground that the tenant had ceased to occupy the premises. It is further submitted that the petitioner has been examined in the present case and has prayed that he be granted only one effective opportunity to conclude his entire evidence as he wishes to examine the concerned official of the Municipal Council. It is further submitted that now the case is listed for 13.09.2024 and till date no witness of the respondent has been examined and the delay in the proceedings would primarily harm the present petitioner as it is his petition for eviction. It is stated that for the inconvenience caused to the respondent, the petitioner is ready to pay reasonable costs.

5. Keeping in view the above said facts and circumstances and also the fact that the present petition has been filed by the petitioner, who is



CR-5261-2024

3

a landlord and has filed an eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act and also the fact that delay, if any, would primarily cause harm to the petitioner and also in view of the fact that the petitioner is ready to compensate the respondent, this Court is of the opinion that one effective opportunity should be granted to the petitioner to conclude his evidence and accordingly, the present petition is partly allowed and the impugned order dated 02.08.2024 is set aside and the petitioner is granted one effective opportunity to lead his entire evidence at his own responsibility. The same would be subject to costs of Rs.12,000/- which will be deposited by the petitioner within three days from today before the Rent Controller and the same would be released to the three LR's of the respondent in equal proportion by the Rent Controller.

6. It is made clear that in case the costs is not deposited within the stipulated period, the present petition would be deemed to have been dismissed.

7. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent to move an application for recalling of the present order in case any of the arguments raised before this Court on behalf of the petitioner is false/incorrect.

(VIKAS BAHL)
JUDGE

September 12, 2024
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No