

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

**204****CR-6285-2023 (O&M)****Date of decision:30.01.2024**

Davinder Singh

... Petitioner

Vs.

Vikramjit Singh

... Respondent

**CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Lovish Rattan, Advocate for the petitioner.

...

**SUKHVINDER KAUR, J.**

1. The instant revision petition has been filed by petitioner against the order dated 18.09.2023 (Annexure P-1) passed by the Rent Controller, Amritsar, whereby his evidence was closed by order.

2. The relevant facts which emerge for adjudication of the present revision petition are that the respondent filed an application under Section 13-B of the East Punjab Rent Restriction Act, 1949 for ejectment of the petitioner from shop as detailed in head note of the said rent petition bearing No.142/2020. After payment of provisionally assessed rent, issues were framed and the case was fixed for petitioner's evidence and petitioner closed his evidence on 10.05.2023. Thereafter, the case was adjourned for the respondent's evidence. The said case was taken up on Board on 8 dates of hearing for this purpose i.e. 03.07.2023, 14.07.2023, 28.07.2023, 11.08.2023, 22.08.2023, 01.09.2023, 11.09.2023, 13.09.2023

and then on 18.09.2023, the impugned order was passed vide which evidence of the revision petitioner was closed by order of Court. Hence, the present revision petition was filed by the revision petitioner before this Court.

3. It has been contended by learned counsel for the petitioner that in the impugned order, number of effective opportunities availed by the petitioners/respondents in said petition, have been wrongly mentioned. Even out of the said 8 opportunities, only 3 effective opportunities were given to the petitioner for adducing his evidence. He has further contended that the petitioner only wishes to examine the two witnesses as RWs whose statements are necessary for proper adjudication of the said rent petition. So the impugned order be set aside and one effective opportunity be provided to him to conclude his evidence.

4. I have heard learned counsel for the petitioner at length and have perused the pleadings on record.

5. From the perusal of the impugned order, it is revealed that inspite of 10 effective opportunities for concluding the evidence, the petitioner failed to conclude his evidence and then it was closed by the Court on 18.09.2023.

6. Though there is no infirmity in the impugned order, yet it will be appropriate, if in the interest of justice, one effective opportunity is given to the petitioner to conclude his evidence. The other party can be well compensated with costs. Therefore, the impugned order is set aside. The trial Court will grant one effective opportunity to the petitioner to conclude his evidence subject to payment of costs of Rs.5000/- to the respondent.

- 7. Revision petition is allowed in the aforesaid terms.
- 8. Pending application(s), if any, shall also stand disposed of.

( SUKHVINDER KAUR )  
JUDGE

30.01.2024  
*harjeet*

- |                               |        |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable?        | Yes/No |