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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7510-2019

Date of decision : 24.07.2024

Ramesh Kumar

... Petitioner

Versus

Jasvir Kaur

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rajesh Bhatheja, Advocate for the petitioner.

Mr.Sukhmeet Singh, Advocate for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition under Article 227 of the Constitution of India for setting aside the impugned order dated 01.11.2019 (Annexure P-5) passed by the Rent Controller, Baghapurana, vide which the evidence of the petitioner (respondent before the Rent Controller) has been closed by order.

2. Learned counsel for the petitioner has submitted that the evidence of the respondent was closed on 07.02.2019. It is submitted that the petitioner had moved an application on 11.10.2019 for summoning two witnesses. Paragraph 2 of the said application, which has been highlighted, is reproduced hereinbelow:-

“2. That the respondent wants to examine the above said witnesses:-

i. Concerned Clerk or Municipal Corporation Moga alongwith record rules / instruction/ guidelines / government policies regarding installation of high



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frequency towers for setting up radio studio in abadi area.

ii. Concerned Clerk of Municipal Committee Baghapuran along with record rules / instruction/ guidelines / government policies regarding installation of high frequency towers for setting up radio studio in abadi area.”

It is submitted that on 18.10.2019, the witness no.ii had come but on account of the fact that he had not brought the record, he was not examined and the signature of the said witness is present in the zimni order dated 18.10.2019 although it was mentioned in the zimni order that no witness of the respondent was present on that day. It is argued that the petitioner had also paid diet money with respect to the said witness and in the said situation, the Court should have issued bailable/ non-bailable warrants for getting the presence of the said witness, whereas the Court closed the evidence of the petitioner vide order dated 01.11.2019. It is submitted that the petitioner be given one effective opportunity, with the assistance of the Court, to complete his evidence.

3. Learned counsel for the respondent, on the other hand, has submitted that the respondent had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of the petitioner and the same is being unduly delayed. It is further submitted that sufficient opportunities have already been availed by the petitioner and thus, in case any opportunity is to be given, then reasonable costs be imposed upon the petitioner. It is stated that only one out of the two witnesses be permitted to be examined by the petitioner.



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4. Learned counsel for the petitioner, in rebuttal, has submitted that out of the two witnesses, witness no. (ii) i.e., Concerned Clerk of Municipal Committee, Baghapurana be examined in the said facts and circumstances.
5. Keeping in view the above said facts and circumstances moreso the fact that the petitioner had moved an application for summoning the witnesses and had also deposited diet money, this Court is of the opinion that the petitioner be granted one effective opportunity to examine the concerned Clerk of Municipal Committee, Baghapurana as mentioned at serial no.(ii) in the application with the assistance of the Court subject to the petitioner paying an amount of Rs.5000/- to the respondent.
6. In view of the above, the present revision petition is partly allowed and the impugned order dated 01.11.2019 is set aside and the trial Court is directed to grant one effective opportunity to the petitioner to examine the concerned Clerk of Municipal Committee, Bhaghapurana with the assistance of the Court. The same would be subject to the petitioner paying an amount of Rs.5000/- to the respondent within a period of two weeks.
7. It is made clear that in case the said amount is not paid to the respondent within the aforesaid period, then the present revision petition shall be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

July 24, 2024
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No