



CR No.6550 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.6550 of 2024

Date of Decision: 04.12.2024

Sukhpal Singh

..... Petitioner

Versus

Shree Sanatan Dharam Sabha (Regd.)

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Supinder Singh Sohi, Advocate
for the petitioner.Mr. Binderjit Singh, Advocate
for the respondent.

VIKAS BAHL, J (ORAL)

1. This is a civil revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 24.10.2024 vide which the application of the petitioner for deposit of diet money and for summoning of witnesses, has been dismissed.

2. On 08.11.2024, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the evidence of the landlord was closed on 20.08.2024 after several opportunities were granted to the respondent-landlord. It is submitted that the first date for the evidence of the petitioner was 03.09.2024 and on the said date, the Presiding Officer was on leave and the matter was adjourned to 16.09.2024 and the said date was effectively the first date for the evidence of the petitioner. It is further submitted that although there is some



delay in moving the application for depositing the diet money and summoning the witnesses but the delay is not of such nature that would call for rejection of the said application. It is stated that in view of the pleadings in paragraph 5(i) of the rent petition (Annexure P-2) and in paragraph 8 of the preliminary objection of the reply filed by the petitioner, it cannot be said that the evidence of the said witnesses is not necessary. It is further stated that at any rate, due opportunity has to be granted to the petitioner to lead his evidence. Learned counsel for the petitioner has very fairly submitted that the petitioner would press for summoning of the Building Inspector, Municipal Corporation, Bathinda as well as the concerned Clerk, office of Executive Engineer, Provincial Division B&R branch, Bathinda, only who have been shown as witnesses in paragraph 2(i) and (ii) of the application (Annexure P-4) and in order to show his bonafide, has further submitted that the petitioner would appear before the Rent Controller on 12.11.2024 for getting herself examined.

Notice of motion for 19.11.2024.

Liberty is granted to the petitioner to serve the respondent through dasti process also as well as through the counsel appearing before the Rent Controller.

To be shown in the urgent list.

The petitioner would also get a demand draft of Rs.5000/- in the name of the respondent as cost for the respondent, on the next date of hearing”.

3. On 19.11.2024, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner in pursuance of the last order has got a demand draft, in the name of the respondent, which has been handed over to learned counsel for the respondent, who has reaffirmed the said fact.

Learned counsel for the respondent prays for a short



adjournment to get instructions in the matter.

Adjourned to 04.12.2024.

To be taken up in the urgent list.

The Rent Controller is directed to adjourn the case beyond the date fixed in the present case”.

4. Learned counsel for the respondent has submitted that RW-1 Sukhpal Singh had already been partly cross-examined and his remaining cross-examination will be completed on 09.12.2024 and thus, the petitioner be directed to produce himself in the Court on the said date of hearing. It is further submitted that in case the petitioner is granted liberty to summon the Building Inspector, Municipal Corporation, Bathinda as well as the concerned Clerk, office of Executive Engineer, Provincial Division B&R branch, Bathinda with the Court help, then the same would further delay the proceedings and would cause serious prejudice to the rights of the respondent who has filed an eviction petition in the year 2019.

5. Learned counsel for the petitioner in rebuttal has submitted that in view of the objection taken by the learned counsel for the respondent, the petitioner would produce the Building Inspector, Municipal Corporation, Bathinda as well as the concerned Clerk, office of Executive Engineer, Provincial Division B&R branch, Bathinda, at his own responsibility on the date to be fixed after 09.12.2024.

6. Keeping in view the above facts and circumstances of the case, the present petition is partly allowed and the impugned order vide which application for summoning of the witnesses has been dismissed, is partly modified, with the following directions:-

(i) The petitioner who has appeared as RW-1 and has been

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partly cross-examined, would produce himself on 09.12.2024 which is stated to be the next date of hearing and the counsel for the respondent would complete the cross-examination of the said witness on 09.12.2024 or immediately thereafter.

(ii) Liberty is granted to the petitioner to produce the Building Inspector, Municipal Corporation, Bathinda as well as the concerned Clerk, office of Executive Engineer, Provincial Division B&R branch, Bathinda, on the date fixed by the trial Court after 09.12.2024, at his own responsibility and in case, the said two witnesses are produced on the that date, then the Rent Controller would record the evidence of the said two witnesses and would give due opportunity to counsel for the respondent to cross-examine the said witnesses.

(iii) It is made clear that in case the petitioner does not appear on 09.12.2024 or the said two witnesses do not appear on the date subsequent to 09.12.2024, as permitted by this Court, then no further opportunity would be granted to the petitioner.

04.12.2024*D.Bansal***(VIKAS BAHL)
JUDGE**

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