



CR-6884-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(127)

CR-6884-2024

Date of Decision: - 28.11.2024

Rajinder Kumar and others

....Petitioners

Versus

Sukhcharanjit Singh Thind

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gurcharan Dass, Advocate,
for the petitioners.Mr. Namit Gautam, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.11.2024 (Annexure P-1) passed by the Rent Controller, Ludhiana in Rent Petition No.270 dated 27.05.2019 titled as 'Sukhcharanjit Singh Thind Vs. Rajinder Kumar and others.

2. The impugned order dated 22.11.2024 reads as under: -

*“Present: Sh. Parveen Garg Advocate for the petitioner.
Sh. GS Saini Advocate for the respondent.*

PW2 Vivek Prabhakar present and examined. Petitioner closed his evidence after tending into evidence site plan Ex.PX. Counsel for the respondent is present and he has requested for



CR-6884-2024

-2-

adjournment for respondent evidence. So as per his request the case is fixed for respondent evidence and he has been asked to bring all his evidence on the next date of hearing failing which no further opportunity for tendering the respondent witnesses will be granted as the matter is already time bound by the Hon'ble High Court. Though he has objected that he cannot brought all the evidence on the next date of hearing but he has been apprised about order of Hon'ble High Court regarding the matter being time bound as the same is well within the knowledge of both the parties. Further though he has submitted to the court that the petitioner has got many opportunities for petitioner evidence and he has been granted only one opportunity for respondent evidence but perusal of the file shows that the petitioner has already tendered the witnesses and the case was pending for cross-examination of witnesses. Hence, the opportunities were being granted to the respondent for cross-examination. Further he has also requested that he cannot brought all his evidence on 25.11.2024 i.e. on Monday, therefore, the case is fixed for 26.11.2024 for all evidence of the respondent and the counsel for the petitioner is also directed to cross-examine all the witnesses of the respondent on the same day.

Date of Order: 22.11.2024

*(Satvir Kaur)
Rent Controller, Ludhiana
UID NO . PB0482"*

A perusal of the above order would show that the plaintiff witness i.e. PW2 was present and was examined and the evidence of the petitioner was closed on 22.11.2024. The Rent Controller, Ludhiana on the same date observed that in view of the fact that the matter is a time bound matter, the tenants are directed to bring their entire evidence on the

**CR-6884-2024****-3-**

next date of hearing, which would be the first effective opportunity. The submission of the counsel for the petitioners-tenants to the effect that the landlord had been given sufficient opportunities and he was being given only one opportunity was noticed. However, the petitioners-tenants were directed to get all their witnesses on 26.11.2024.

3. Learned counsel for the petitioners-tenants has submitted that the petitioners have already examined Rajinder Kumar/petitioner No.1 and are further to examine Smt. Priya widow of Sh. Parveen Kumar, Building expert to prove that the property in question is fit and safe for human habitation, Clerk from Municipal Corporation Ludhiana to prove that the building is fit and safe and also Ahlmad alongwith the record of Session Trial case No.963 dated 22.10.2019 i.e. FIR No.281 of 2018 registered in Police Station Division No.5, Ludhiana, pending against respondent u/s 306 IPC pending for 10.12.2024 in which the respondent had taken a plea of his 'suffering from cancer' in the bail application.

4. Learned counsel for the petitioners on an objection raised by learned counsel for the respondent has however fairly submitted that he would only examine Smt. Priya widow of Parveen Kumar and the building expert to prove that the property in question is fit and safe for human habitation, as the said witnesses are necessary and his defence would be seriously prejudiced in case the said two witnesses are not examined. It is further submitted that the petitioners wish to prove on record the bail order/application in the above said FIR to show that the respondent-landlord has stated that he is suffering from cancer in the said

**CR-6884-2024****-4-**

application. It is stated that the said documents being part of Court record be exhibited, in order to save time of the Court.

5. Learned counsel for the respondent has objected to the examination of the Clerk from Municipal Corporation, Ludhiana as well as Ahlmad alongwith record of the session trial and had also stated that in case the witness Smt. Priya widow of Parveen Kumar is to be examined, the same be examined on 29.11.2024 itself and the building expert be also examined on 02.12.2024 so that the matter could be expeditiously disposed of. It is further submitted that the respondent-landlord would cross-examine the said witness Smt. Priya without delay and would not delay the proceedings in any manner.

6. This Court is of the view that although the trial has to proceed expeditiously, but even a tenant is required to be given due opportunity to lead his evidence. Accordingly, with the consent of learned counsel for the petitioners as well as learned counsel for the respondent, who have fairly assisted the Court in passing the present order, the present revision petition is disposed of in the following terms: -

(i) Petitioners would produce Smt. Priya widow of Parveen Kumar before the Rent Controller on 29.11.2024 and the counsel for the respondent-landlord would either cross-examine the said witness on 29.11.2024 itself or on 02.12.2024 and in any case complete the cross-examination by 03.12.2024.

(ii) Petitioners would further produce the building expert

**CR-6884-2024****-5-**

alongwith the report of the premises in question on 03.12.2024 and the respondent-landlord will make every endeavour to cross-examine the said witness on 03.12.2024 itself or at any rate would conclude the same by 04.12.2024.

- (iii) Petitioners would also produce the bail application as well as the bail order and in case the said two orders are found to be authentic, then, the same would be exhibited before the Rent Controller. The question of their relevance is however kept open to be considered by the Rent Controller at the stage of final order.

7. It has been agreed by the learned counsel for the petitioners as well as learned counsel for the respondent that no further evidence other than the said two witnesses is required to be led and the matter can then be fixed for arguments and have further undertaken that counsel appearing before the trial Court would argue the matter on the date which would be fixed by the Rent Controller for the purpose of arguments.

8. It has been brought to the notice of this Court that on 27.11.2024 an order has been passed by the Rent Controller closing the evidence of the petitioners and the said order has not been uploaded and with the consent of the learned counsel for the petitioners as well as learned counsel for the respondent, the said order would also be modified in view of what has been observed in the present order in order to avoid further delay in the proceedings.

9. It is however made clear that in case the petitioner does not

CR-6884-2024

-6-

produce the said witness Smt. Priya widow of Parveen Kumar on 29.11.2024 and the building expert on 03.12.2024, then, the petitioners would not be entitled to any further opportunity.

November 28, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No