

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

113

CR-7764-2023 (O&M)

Date of decision:31.01.2024

Madan Lal & another

... Petitioners

Vs.

Kiran Talwar & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Neeraj Yadav, Advocate for the petitioners.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by the petitioners against the order dated 21.09.2023 (Annexure P-2) passed by the Civil Judge (Jr. Division), Amritsar, whereby evidence of the petitioners has been closed by order.

2. Brief facts which are material for adjudication of the present revision petition are that respondent No.1 filed an application under Section 13 of the East Punjab Rent Restriction Act, 1949 for seeking ejectment of the petitioners from the suit property. In pursuance to the notice issued by the Court, petitioners appeared and filed their reply. Thereafter issues were framed on 01.04.2019. Respondent No.1 concluded his evidence on 08.04.2022 and thereafter the petitioners were to lead their evidence. On 06.09.2023, petitioners had changed their counsel and vide order dated 06.09.2023, last opportunity was granted for the respondents' evidence. While passing the impugned order on

21.09.2023, evidence of the petitioners was closed by order. Thereafter, the petitioners filed a review application against the said order which was dismissed by the trial Court vide order dated 20.11.2023. Hence, the present revision petition has been filed by the petitioner before this Court.

4. Learned counsel for the petitioner has contended that the impugned order is a harsh order and has very strict repercussions on the case, as the petitioners are being denied their right to contest the case and to lead their evidence. He has further contended that a party should not be made to suffer on just technicalities and by setting aside the impugned order, the proper opportunity may be granted to the petitioners for concluding their evidence.

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

6. Perusal of the impugned order reveals that the petitioners in spite of availing 13 effective opportunities for concluding their evidence and despite imposing of cost, failed to conclude their evidence and then it was closed by the trial Court vide the impugned order dated 21.09.2023 (Annexure P-2).

7. 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 petitioners to conclude their 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 petitioners to conclude their entire evidence subject to payment of costs of Rs.10,000/- to respondent No.1.

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

(SUKHVINDER KAUR)
JUDGE

31.01.2024
harjeet

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