



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

(133)

**CR-7115-2024(O&M)
Date of Decision: 09.12.2024**

Iqbal Singh

.....Petitioner

Versus

Shiromani Gurudwara Parbandhak Committee
and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Namit Gautam, Advocate for the petitioner.
Mr. Rajdeep Singh Chugh, Advocate for the respondents.

VIKAS SURI, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India, is for setting aside orders dated 16.10.2024 (Annexure P-8) and 06.11.2024 (Annexure P-11) passed by the learned Rent Controller, Ludhiana, whereby the evidence of the petitioner was closed by order of the Court and the application moved for recalling of the said order was dismissed, respectively.

2. Briefly stated, the respondent filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short 'the Act') seeking petitioner's eviction from shop Nos.5 and 6 and one store, i.e. the demised premises. The rent petition is stated to have been instituted in the year 2017. On notice of the rent petition, written statement was filed opposing the same and accordingly, triable issues were framed by the learned Rent Controller. The respondent/landlord closed his evidence on 04.01.2024 except for documentary evidence. The petitioner/tenant since



then has examined six witnesses in evidence but failed to conclude his evidence despite last opportunity having been afforded. Vide order dated 16.10.2024, evidence of the petitioner/tenant was closed by order of the Court. Thereafter, petitioner moved an application for recalling of the said order, which was also contested by the respondent/ landlord and was dismissed with costs vide order dated 06.11.2024 (Annexure P-11).

3. Aggrieved by the aforesaid orders, petitioner is before this Court by way of the present petition.

4. The respondent/landlord is on caveat, represented through counsel and waives service.

5. Learned counsel for the petitioner submitted that the petitioner seeks only one opportunity to conclude evidence, at his own responsibility. It is further submitted that after framing of the issues, the respondent/ landlord availed several opportunities to conclude his evidence whereas the petitioner has not been able to do so.

6. *Per contra*, learned counsel for the respondent/landlord has submitted that the petitioner has availed as many as 25 opportunities to conclude his evidence and hence, only wants to delay disposal of the rent petition. It is further submitted that at the very commencement of leading his evidence, petitioner had moved an application for examining other witnesses before his own examination, which application was allowed vide order dated 23.01.2024. Pursuant thereto, petitioner led his evidence and examined himself as RW-6. It is, thus, argued that the petitioner had a fair opportunity to lead his entire evidence, in terms of the order dated 23.01.2024 passed at his instance.



7. Heard learned counsel for the parties and perused the record with their assistance.

8. In the present case, the factual aspect has not been disputed by either of the parties. It is a matter of record that the petitioner had been allowed to examine other witnesses before stepping into the witness box as his own witness and his examination has since been concluded on 16.10.2024. On the query of the Court, learned counsel for the petitioner is not in a position to give any satisfactory explanation as to why the aforesaid witnesses were not examined at the first instance, i.e. before the petitioner was examined in terms of the order dated 23.01.2024.

9. Learned counsel for the petitioner would refer to the list of witnesses sought to be examined, as mentioned in the head-note of the application seeking recalling of order dated 16.10.2024 (Annexure P-9). It is contended that the petitioner has denied the relationship of landlord and tenant as well as having acknowledged any rent receipt. It is further submitted that to counter the evidence led by the respondent/landlord, it is very important to the petitioner's case to examine the Handwriting Expert. It is urged that in the said circumstances, the examination of Handwriting Expert ought to have been allowed by the Rent Controller and the respondent/landlord can be compensated.

10. Though it is not disputed that the petitioner has already availed 25 opportunities to lead evidence and was aware of his case from the very beginning, but learned counsel for the respondent/landlord does not raise any serious objection with regard to examination of the Handwriting Expert. It is further submitted that the petitioner along with some other tenants under



the respondent had filed a civil suit on the plea that they were not tenants of the respondent herein. The findings returned by the Civil Court would be binding upon the parties. It is also not disputed that the rent petition was instituted in July, 2017 and the respondent/landlord closed his evidence only on 04.01.2024.

11. In view of the aforesaid discussion, the present petition is disposed of while granting one effective opportunity to the petitioner to examine Sh. Varun Gagneja, Handwriting Expert, at own responsibility, subject to costs of Rs.15,000/- to be paid to respondent/landlord. It shall be the sole responsibility of the petitioner to secure the presence of his witness, for complete examination, failing which the evidence of the petitioner would be liable to be closed by Court order. It is made clear that failing to produce the evidence or to pay costs in terms of this order, the petitioner would not be entitled to any further opportunity for the said purpose and the Rent Controller would proceed with the matter without this order having any bearing on the trial.

12. The revision petition is disposed of in the aforesaid terms.

December 9, 2024

d.gulati

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

(VIKAS SURI)
JUDGE