



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

CR-214-2025

Date of Decision: 15.01.2025

HARBHAJAN SINGH

...PETITIONER

VS

**SHIROMANI GURUDWARA PARBHANDAK COMMITTEE AND
ORS**

...RESPONDENTS

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Namit Gautam, Advocate
for petitioner.

VIKRAM AGGARWAL, J (ORAL)

1. The present revision petition assails the order dated 06.11.2024 (Annexure P-9) passed by the learned Rent Controller, Ludhiana vide which the evidence of the petitioner was closed by orders of the Court and the order dated 05.12.2024 (Annexure P-11) vide which the application filed by the petitioner for recalling the order dated 06.11.2024 was dismissed.

2. A petition was filed by the respondents under Section 13 of the East Punjab Urban Rent Restriction Act 1949 (for short 'the Rent Act') seeking eviction of the petitioner from the Shops No. 3 and 4, situated at Lakar Bazar, opposite Laxmi Cinema, Ludhiana.

3. Learned counsel for the petitioner submits that evidence of the respondents started on 13.11.2018 after issues having been framed on 04.10.2018. He submits that the same was closed on 12.03.2024 after which the evidence of the petitioner started on 02.04.2024. He submits that four witnesses had been examined by the petitioner but on 06.11.2024, the evidence of the petitioner was closed. He submits that an application for



recalling the said order was immediately moved, but the same was also dismissed vide order dated 05.12.2024 (Annexure P-11). Learned counsel for petitioner submits that after the evidence of the respondents having continued for almost 06 years, the Court of learned Rent Controller erred in abruptly closing the evidence of the petitioner without giving sufficient opportunities for leading the same. He submits that on account of the same, the interests of the petitioner have been gravely harmed. Learned counsel submits that one effective opportunity be granted to the petitioner to conclude his evidence.

4. *Per contra*, learned counsel for the respondents has opposed the prayer stating that the petitioner is delaying the matter and that since he wanted to examine 12 more witnesses, the learned Rent Controller rightly closed the evidence of the petitioner and also dismissed the application for recalling the said order.

5. I have considered the submissions made by learned counsel for the petitioner.

6. The eviction petition filed was under Section 13 of the Rent Act by the respondents against the petitioner for eviction from Shops No. 3 and 4 situated at Lakar Bazar, opposite Laxmi Cinema, Ludhiana. After the pleadings were completed, issues were framed on 04.10.2018 and the evidence of the respondents commenced on 13.11.2018. The same continued for almost 06 years and eventually the evidence of the respondents was closed on 12.03.2024. Thereafter, the evidence of the petitioner started on 02.04.2024 and in less than one year, four witnesses were examined. Vide order dated 06.11.2024, the Court of learned Rent Controller, Ludhiana,

**CR No. 2074 of 2024****-3-**

observed that the case was fixed for evidence of the petitioner since 06.11.2024 and almost 19 effective opportunities had been availed. Under the circumstances, the evidence of the petitioner was closed. Immediately thereafter, an application under Section 151 CPC was filed for recalling the said order dated 06.11.2024 but the same was also dismissed by the Court by observing that the petitioner wanted to get 12 more witnesses examined but failed to mention any reason for which the said witnesses were to be examined. It was also observed that the petitioner was trying to delay the proceedings by moving frivolous applications.

7. Though, this Court does not find any illegality in the order, however, considering the fact that the evidence of the respondents went on for almost 06 years, one more effective opportunity could have been granted to the petitioner to conclude his evidence. Today during the course of hearing, as has been noted in the preceding paragraph as well, learned counsel for petitioner has prayed that only one effective opportunity be granted to the petitioner for concluding his evidence and that no further opportunity would be sought. The request is found to be reasonable and, therefore, the present revision petition is allowed. The orders dated 05.12.2024 (Annexure P-11) and 06.11.2024 (Annexure P-9) are set aside and the Court of learned Rent Controller, Ludhiana is directed to grant one effective opportunity to the petitioner to conclude his evidence on a date suitable to the Court concerned. It shall, however, be subject to deposit of Rs.10,000/- as costs to be paid to the respondents.

Needless to assert that since the eviction petition is already pending since 2017, the matter would not be delayed any further by the



CR No. 2074 of 2024

-4-

petitioner and all efforts shall be made by the Court concerned to decide the matter expeditiously.

(VIKRAM AGGARWAL)
JUDGE

15.01.2025
Prince Chawla

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