



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

(282)

CR No.2074 of 2024

Date of Decision: 13.01.2025

Amarjeet Singh

...Petitioner

Vs

Sharomani Gurudwara Prabhandak Committee and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Namit Gautam, Advocate
for petitioner.

Mr. M.S.Virk, Advocate
for respondents.

VIKRAM AGGARWAL, J (ORAL)

1. The present revision petition assails the order dated 09.01.2024 (Annexure P-12) passed by the learned Rent Controller, Ludhiana vide which the evidence of the petitioner/tenant was closed by orders of the Court and the order dated 06.03.2024 (Annexure P-15) vide which the application filed by the petitioner for recalling the order dated 09.01.2024 was dismissed.

2. A petition was filed by the respondents/landlords under Section 13 of the East Punjab Urban Rent Restriction Act 1949 (for short 'the Rent Act') seeking eviction of the petitioner/tenant from Shop No. 12, situated at Lakar Bazar, opposite Laxmi Cinema, Ludhiana.

3. Learned counsel for the petitioner submits that evidence of the respondents/landlords started on 13.11.2018 after issues having been framed on 04.10.2018. He submits that the same was closed on 09.01.2023 after which the evidence of the petitioner/tenant started on 07.02.2023. He

submits that three witnesses had been examined by the petitioner/tenant but on 09.01.2024, the evidence of the petitioner/tenant was closed. He submits that an application for recalling the said order was immediately moved, but the same was also dismissed vide order dated 06.03.2024 (Annexure P-15). Learned counsel for petitioner submits that after the evidence of the respondents/landlords having continued for more than four years, the Court of learned Rent Controller erred in abruptly closing the evidence of the petitioner/tenant 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/tenant to conclude his evidence.

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

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

6. The eviction petition under Section 13 of the Rent Act by the respondents/landlords against the petitioner/tenant for eviction from Shop No. 12 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/landlords commenced on 13.11.2018. The same carrying on for more than four years and eventually the evidence of the respondents/landlords was closed on 09.01.2023. Thereafter, the evidence of the petitioner/tenant started on 07.02.2023 and in about one year, three witnesses were examined. Vide order dated 09.01.2024, the Court of learned

Rent Controller, Ludhiana, observed that the case was fixed for evidence of the petitioner/tenant since 09.01.2023 and almost 20 effective opportunities had been availed. Under the circumstances, the evidence of the petitioner/tenant was closed. Immediately thereafter, an application under Section 151 CPC was filed by the petitioner/tenant for recalling the said order dated 09.01.2024 but the same was also dismissed by the Court by observing that the petitioner/tenant wanted to get 11 more witnesses examined but failed to mention any reason for which the said witnesses were to be examined. It was further observed that the case was pending since 2017 and fell under the category of Action Plan cases. It was also observed that the petitioner/tenant 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/landlords went on for more than four years, one more effective opportunity could have been granted to the petitioner/tenant to conclude his evidence. Today during the course of hearing, as has been noted in the preceding paragraph as well, learned counsel for petitioner/tenant has prayed that only one effective opportunity be granted to the petitioner/tenant 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 06.03.2024 (Annexure P-15) and 09.01.2024 (Annexure P-12) are set aside. The Court of learned Rent Controller, Ludhiana is directed to grant one effective opportunity to the petitioner/tenant to conclude his evidence on a date suitable to the Court concerned.

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

petitioner/tenant and all efforts shall be made by the Court concerned to decide the matter expeditiously. It shall, however, be subject to deposit of ₹10,000/- as costs to be paid to the respondents/landlords

(VIKRAM AGGARWAL)
JUDGE

January 13, 2025
Rekha

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