



CR-4728-2025

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

(115)

CR-4728-2025

Date of Decision: - 25.07.2025

Ritesh Sharma and another

....Petitioners

Versus

Avinash Chander

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. V.K. Sandhir, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 20.01.2025 vide which the evidence of the petitioners/landlords has been closed and also to the order dated 16.07.2025 vide which the application for additional evidence has been dismissed.

2. Learned counsel for the petitioners has submitted that the petitioners had filed an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the respondent-tenant and one of the grounds raised in the ejectment petition was of bona-fide requirement of petitioner No.1 for himself and for the use and occupation of his two sons, who wanted to open, start and set up a new business of mobile showroom in the shop in question. It is further submitted that although the petitioners had to examine Suresh Sharma (son of petitioner No.1), for whose personal necessity also the eviction

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was sought, but the petitioner No.1 after tendering the copy of rent note (Mark A) had closed his documentary evidence. It is stated that inadvertently it was not pointed out that one witness is yet to be examined and the case was adjourned to 03.02.2025. It is further stated that immediately thereafter on 03.02.2025, an application was moved by the counsel for the petitioners stating that inadvertently one witness, namely, Suresh Sharma, who is the real son of petitioner No.1 had not stepped into the witness box and the evidence had been closed inadvertently. It is submitted that however instead of seeking recalling of the said order, counsel for the petitioners had filed an application for additional evidence, which has been dismissed vide order dated 16.07.2025. It is stated that the evidence of son of petitioner No.1-Suresh Sharma is very necessary for the proper and final adjudication of the case and the delay in the proceedings would primarily prejudice the petitioners as it is the eviction petition filed by them which would be delayed. It is argued that the case is now listed for 08.08.2025 and the respondent has not led any evidence. It is submitted that for the inconvenience caused to the respondent, the petitioners are ready to pay reasonable costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one last opportunity to examine Suresh Sharma son of Ritesh Sharma and accordingly, the present revision petition is partly allowed and the impugned orders dated 20.01.2025 as well as the order dated 16.07.2025 are set aside to the extent that the evidence of the petitioners has been

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closed and the petitioners are granted one last opportunity to produce the said Suresh Sharma for examination on 08.08.2025 and the same would be subject to the petitioners depositing cost of Rs.20,000/- on or before 08.08.2025 and on their depositing the said amount, the same would be released by the Rent Controller to the respondent. The petitioners would produce the said Suresh Sharma on 08.08.2025 or any other date which the Rent Controller directs them to and in case, the petitioners do not produce the said witness on 08.08.2025 or on the date the trial Court directs them, then, no further opportunity would be granted to the petitioners and the present revision petition would be deemed to have been dismissed.

4. It is made clear that in case the cost of Rs.20,000/- is not deposited by the petitioners on or before 08.08.2025, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for the respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

July 25, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No