

CR-3714-2023 (O&M)

2025:PHHC:029774



127

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3714-2023 (O&M)

Date of decision : 03.03.2025

Sukhdev Singh @ Dev

..... Petitioner

versus

Rajinder Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Armaan Saggar, Advocate
for the petitioner.

None for the respondent.

PANKAJ JAIN, J. (ORAL)

1 Challenge is to the order dated 03.04.2023 (Annexure P-7) passed by Civil Judge, Junior Division-2, Sri Anandpur Sahib whereby evidence of the petitioner-landlord has been ordered to be closed observing that the case pertains to the year 2017 and is more than 5 years old. There being no justification to adjourn the case for the evidence, no further opportunity is required to be awarded.

2 Landlord filed application seeking review of the said order. The same was also rejected vide order dated 16.05.2023 (Annexure P-13) which is also impugned in the present revision petition. The explanation offered in the revision petition reads as under :-

“6. That thereafter the petitioner had summoned the witnesses, including the concerned official of the Municipal Committee, Sri Anandpur Sahib along with record pertaining to shop No.132 to 135, Bhagat Ravi Dass Chowk, Mohalla Bhora



Sahib, Sri Anandpur Sahib i.e. the House Tax Register, Property Tax Register etc. along with Harpal Singh and Jarnail Singh sons of Sh.Amar Singh.

7. That on 24.01.2023, Clerk of M.C. Sri Anandpur Sahib was present and his examination-in-chief was recorded and his cross-examination was deferred on the request of the counsel for the respondent and the case was adjourned to 14.02.2023 on which date, the Bar was on strike and the case was adjourned to 28.02.2023 for cross-examination of AW-1 and for remaining Aww subject to last opportunity.

8. That on 28.02.2023, AW-2 Harpal Singh son of Amar Singh and AW-3 Jarnail Singh son of Amar Singh were present and their examination-in-chief was recorded. The cross-examination was deferred on the request of the counsel for the respondent and the case was adjourned to 16.03.2023. The ld. Presiding Officer was not to hold court on 16.03.2023 and on 15.03.2023, the case was adjourned to 03.04.2023. The copies of the orders dated 24.01.2023, 14.02.2023, 28.02.2023, 15.04.2023 are attached as Annexures P-2, P-3, P-4, P-5.

9. That on 03.04.2023, the cross-examination of PW-2 and PW-3 was conducted. The affidavit of the petitioner dated 03.04.2023 was also ready and was to be tendered into evidence. It was requested that Clerk of M.C. Sri Anandpur Sahib has not come present and may be awaited. However, the ld. Trial Court closed the evidence vide order dated 03.04.2023. The copy of the affidavit dated 03.04.2023 of the petitioner, who was to appear as AW-4 is attached as Annexure P-6. The copy of the order dated 03.04.2023 is annexed as Annexure P-7.”



3 Even though there is no cogent reason to interfere in the present revision petition yet purely in the interest of justice, the impugned order is modified to the extent that petitioner is granted two effective opportunities to lead entire evidence. As per learned counsel of the petitioner, the matter is now pending for 27.03.2025. On the said date, the petitioner shall produce order before the Rent Controller, who shall award two opportunities to the petitioner-landlord to conclude entire evidence.

4 Needless to say that in case the petitioner fails to lead evidence as ordered hereinabove, order dated 03.04.2023 shall come in vogue.

5 Revision stands disposed off.

03.03.2025

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No