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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:01.07.2025

KULWINDER SINGH

...PETITIONER

VS.

SARUP CHAND

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Janak Singh Bhinder, Advocate
for the petitioner.

SUVIR SEHGAL, J.

1. Instant revision petition has been filed assailing order dated 07.03.2025, Annexure P-28, passed by the Rent Controller, Sangrur, whereby evidence of the petitioner/tenant has been closed by order.
2. Mr. Bhinder, counsel for the petitioner has submitted that a petition, Annexure P-1, under Section 13 of the East Punjab Urban Rent Restriction Act, has been filed by the respondent/landlord for eviction of the petitioner from a shop located in Mubarak Mehal Colony, Sangrur which is being contested by filing a written statement. He states that petitioner produced two witnesses in his evidence, but Dr. Inderjit Singh, Forensic Expert, RW2, could not be cross-examined as he did not appear although he was bound down vide order dated 30.01.2024, Annexure P-12. Counsel contends that Rent Controller has erred in passing the impugned order and closing the evidence without affording sufficient opportunity to the petitioner. Counsel asserts that in case, petitioner is not permitted to produce

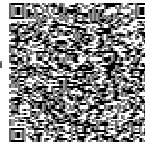


the expert for cross-examination, his examination-in-chief will not be read into evidence and petitioner's case would be seriously prejudiced. He seeks an opportunity to produce the said witness as also to produce his remaining evidence at his own responsibility.

3. After having heard counsel for the petitioner and noticing the nature of the prayer made by him, this Court does not intend to call upon the respondent in view of the nature of the order being passed.

4. It cannot be disputed that the petitioner availed numerous opportunities to lead his evidence over a period of more than 1½ year. Proceedings were deferred on different occasions on request of petitioner and he merely produced two witnesses. However, it is a matter of fact that the expert produced by the petitioner could not be cross-examined as he did not appear before the Rent Controller despite being specifically bound down. This Court is of the view that interest of justice would be served, in case, an opportunity is granted to the petitioner to produce the forensic expert as also his entire evidence at his own cost and responsibility.

5. Resultantly, revision petition is allowed. Impugned order dated 07.03.2025, Annexure P-28, is set aside. Petitioner/tenant is granted one effective opportunity to lead his entire evidence as also to produce the expert, subject to deposit of cost of Rs.20,000/- with the Punjab and Haryana High Court Employees Welfare Association, Account No.37167209613, IFSC Code:-SBIN0050306 with State Bank of India, High Court Branch, Chandigarh. Deposit of cost shall be a condition precedent to the grant of opportunity.



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6. Petitioner shall appear before the Rent Controller on 09.07.2025 and the Court would fix a date to enable him to adduce his entire evidence, including the forensic expert, at his own cost and responsibility.

01.07.2025
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No