

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

CR-2513-2023

Date of decision : 27.04.2023

Rachhpal Singh

... Petitioner

Versus

Parvinder Singh Uppal

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 03.03.2023 (Annexure P-1) whereby his application for adducing additional evidence has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner had gone abroad and therefore, he could not lead his evidence. He is only seeking one effective opportunity to lead his evidence in defence.

3. Heard.

4. The respondent/landlord had filed a petition for eviction under Section 13 of the East Punjab Urban Restriction Act, 1949 for ejectment of the petitioner/tenant (respondent therein). The petitioner/tenant had filed the written statement but he could not lead any evidence. It is stated in the application for adducing additional evidence that he had gone to Canada for medical treatment and would be returning to India shortly.

5. In response to a query of this Court as to whether the petitioner is still in Canada or has returned to India, learned counsel for the petitioner has submitted that the petitioner has now arrived in India and may be accorded

only one effective opportunity to lead evidence. It would be in the interest of justice if the petitioner is granted one effective opportunity to lead evidence. .

6. Consequently, the petition is allowed and the impugned order dated 03.03.2023 (Annexure P-1) is set aside. The petitioner would be afforded one effective opportunity to lead his additional evidence subject to payment of Rs.25,000/- as costs to be paid to the respondent. It is made clear that the petitioner would not make any undue effort to delay the proceedings. The Rent Controller is directed to decide the petition expeditiously.

7. This order has been passed without issuance of notice to the respondent as doing so would delay the proceedings. In the event of the respondent being aggrieved of the order, he would be at liberty to prefer an application in that regard.

(ANUPINDER SINGH GREWAL)
JUDGE

April 27, 2023
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No