IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2264 of 2012 (O&M)
Date of decision:18.04.2012

Prem Kumar

.....Petitioner

Vs.

Sarbati Devi and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jaswant Jain, Advocate for the petitioner.

***

Tejinder Singh Dhindsa, J.(Oral)

Heard.

The present revision petition is directed against the impugned orders dated 05.04.2012 as also 09.04.2012 passed by the Rent Controller, Hisar, whereby, the evidence of the petitioner/respondent has been closed by Court's order and further an application preferred by the present petitioner for recalling of the order dated 05.04.2012 has also been dismissed.

Learned counsel for the petitioner refers to the impugned order whereby, the Rent Controller while closing the evidence of the present petitioner observed that as many as 17 effective opportunities were granted to lead evidence. Learned counsel would refer to all the zimni orders during the course of hearing to contend that on as many as 11 different dates, the witnesses have been presented but without the summoned record. Accordingly, petitioner would contend that the order passed by the Rent Controller is erroneous. In furtherance of his submission reliance has been

placed upon the decision of this Court in the case of ***Manohar Lal Vs. Mrs. Inderjit Singh alia Shakuntla Devi and others 2011 (2) RCR (Civil) 73***, wherein it has been held that an order closing the evidence can always be recalled for the advancement of the trial Court subject to just consideration.

At this Stage, Mr. Anurag Jain, Advocate puts in appearance and states that he would have no objection, if one effective opportunity be granted to complete their entire evidence at their own responsibility subject to payment of costs.

In the light of the submissions made by respective counsel for the parties, the present revision petition is disposed of with a direction to the Rent Controller to examine the Manager, Punjab National Bank, Main Branch, Sirsa Road, Hisar as also concerned Officer/Inspector, Office of D.E.T.C., Mini Secretariat, Hisar subject to payment of Rs.5000/- as cost to Sarbati Devi/respondent.

The revision petition is disposed of in terms aforesaid.

Copy of this order be given dasti to the counsel for the petitioner under the signatures of the Bench Secretary of this Court.

April 18, 2012 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**