

CR-1091-2015 (O&M)

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

**CR-1091-2015 (O&M).
Decided on: May 8, 2015.**

Rajiv Goyal

..... Petitioner(s)

Versus

Monudeep Aggarwal

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Mukund Gupta, Advocate,
for the petitioner.**

**Mr.Aman Pal, Advocate,
for the respondent.**

M.M.S. BEDI, J (ORAL).

Vide impugned order dated 19.1.2015, two applications for direction to AW1 and AW3 to produce the documents for cross examination have been decided. Certain documents sought to be produced have been ordered to be produced on record whereas regarding certain documents which are stated to be not available with the said witnesses, the Rent Controller has observed that no further direction is required to be given to produce documents as prayed for. The right of the petitioner-tenant have been safeguarded by observing that on failure of AW.1 and AW.3 to produce documents adverse inference will be drawn at relevant time subject to relevance of the documents.

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Counsel for the petitioner has submitted that on account of non-production of the documents by the witnesses of landlord, a serious prejudice will be caused to the petitioner.

I have heard the learned counsel for the petitioner at length and carefully gone through the facts and circumstances of the case. The bona fide of the landlord-respondent is sought to be challenged by impeaching the credibility of the witnesses by requiring them to produce certain documents in their cross-examination. It has been informed by the counsel for the parties that the cross-examination of the landlord-respondent and his witnesses is yet to be completed

In view of stage of the proceedings before the Rent Controller, I am of the considered view that it will always be open to the petitioner to confront the landlord and his witnesses with the documents which have already been produced or which have been allegedly withheld by them. It will be open to the petitioner to make an attempt to impeach the credibility of the witnesses by effective cross-examination in context to the documents.

Counsel for the respondent submits that on account of pendency of this revision petition, cross examination has unnecessary been delayed and that the counsel for the petitioner before the Rent Controller has adopted evasive approach to delay the proceedings. In this context, no direction can be issued at this stage. However, it will be open to the landlord-respondent to move an

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application under Order XVII Rule 2 (e) CPC, in case the witnesses present in the Court are not cross-examined by the counsel for the tenant- petitioner.

No ground is made out for interference in the impugned order.

The revision petition is disposed of accordingly.

May 8, 2015.
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(M.M.S. BEDI)
JUDGE