

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 1337 of 2013 (O&M)
Date of Decision: 14.5.2015.**

Bharat Sanchar Nigam Limited and othersPetitioners

Versus

Rajbir Singh SekhonRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anil Rathee, Advocate
for the petitioners.

Mr. N.K.VAdhera, Advocate
for the respondent.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 10.1.2013 (Annexure P-2) whereby application moved by the petitioners to cross-examine PW-1 Guriqbal Singh Sekhon, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondent has filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioners. Respondent examined Guriqbal Singh Sekhon as PW-1 on 3.10.2012 and the cross-examination of the said witness was deferred on the request of the counsel for the petitioners. However, petitioners failed to cross-examine the said witness despite opportunity nor deposited the costs. Consequently, cross-examination of PW-1 was ordered to be treated as nil.

During the course of arguments, it has transpired that PW-1 had gone to England but presently he is in India. Case is listed before the Trial Court for 28.5.2015. Learned counsel for the petitioners has submitted that petitioners shall cross-examine PW-1 Guriqbal Singh Sekhon on 28.5.2015 the date fixed before the Trial Court.

Learned counsel for the respondent has assured that PW-1 Guriqbal Singh Sekhon will put in appearance before the Trial Court on 28.5.2015 for the purposes of his cross-examination.

Although, sufficient opportunities had been granted to the petitioners to enable them to cross-examine PW-1 but in the interest of justice, it would be appropriate to grant one opportunity to the petitioners to enable them to cross-examine PW-1 Guriqbal Singh Sekhon so that the *lis* between the parties can be disposed of on merits.

Accordingly, this petition is disposed of with a direction that the learned Rent Controller shall permit the petitioners to cross-examine PW-1 Guriqbal Singh Sekhon on the date fixed before the Trial Court i.e. 28.5.2015. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

In pursuance to the order dated 20.3.2013, petitioners have deposited ₹ 15,000/- by way of costs with the Registry. Amount of ₹ 15,000/- deposited by the petitioners with the Registry, is ordered to be released to the respondent, forthwith, by way of costs.

**(SABINA)
JUDGE**

May 14, 2015
Gurpreet