

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

CR No.1726 of 2015

Date of decision : March 11, 2015

M/s Computer Bazar @ M/s Balaji Computers

..... Petitioner

Versus

M/s Farmer Holdings Pvt. Ltd.

..... Respondent

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Ivneet Singh Pabla, Advocate,
for the petitioner.

GURMIT RAM, J.

1. This revision petition under Article 227 of the Constitution of India is preferred by the petitioner (tenant) against the order dated 27.02.2015 (Annexure P-5) passed by the learned Rent Controller, Chandigarh vide which the application for recalling of PW-1 (Jivinder Kaur Brar) for completion of her cross-examination has been allowed.

2. Learned counsel for the petitioner has been heard.

3. Learned counsel for the petitioner has contended that the respondent / landlord has already closed its evidence on dated 18.11.2014.

The learned Rent Controller has wrongly accepted the application of the

respondent/landlord for recalling PW-1 (Jivinder Kaur Brar) for the completion of her cross-examination illegally as well as wrongly without noticing the fact that the respondent / landlord had already closed its evidence at their own on 18.11.2014. It is further his contention that the instant application was filed to fill up lacuna in the case of the respondent/landlord and, as such, the impugned order is liable to be set aside.

4. It is admitted fact that the statement of PW-1 has already been partly recorded and she has been allowed to be recalled vide the impugned order for the completion of her cross-examination. So if her cross-examination is to be concluded, no prejudice is likely to be caused to the present petitioner-tenant. He has a right to cross-examine her in order to challenge her testimony and to dislodge the version of respondent / landlord. Moreover it is also the lapse on the part of the counsel for the respondent / landlord who did not check at the time of the closing of the evidence of the respondent / landlord that cross-examination of PW-1 (Jivinder Kaur Brar) is yet to be concluded. So in these circumstances, there is nothing wrong in the impugned order. Hence revision petition stands dismissed and disposed of accordingly.

March 11, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**