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

CR No.2540 of 2015

Date of decision: April 21, 2015

Jaspal Singh

.....Petitioner

Versus

Rajinder Kumar Mahajan and others

.....Caveators-Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

SABINA, J

Petitioner has filed this petition challenging the order dated 04.03.2015.

Learned counsel for the petitioner has submitted that, although, vide the impugned order, *ex parte* proceedings have been set aside against the petitioner, but the petitioner has not been afforded an opportunity to enable him to cross-examine respondent No.1. Due to this reason, petitioner has lost his valuable right to put up his defence.

Respondent No.1 has filed the petition under Section 13 of the East Punjab Rent Restriction Act, 1949 seeking ejectment of the petitioner and respondent Nos. 2 and 3. Petitioner was proceeded *ex parte* vide order dated 01.03.2013. Thereafter, petitioner moved an application for setting aside the *ex parte* proceedings against him. Vide the impugned

order, petitioner was allowed to join the proceedings of the case from the date of the passing of the order. Respondent No.2 is the father of the petitioner, whereas respondent No.3 is the brother of the petitioner. Respondent Nos.2 and 3 were already pursuing the case. It has been noticed by the trial Court that the petitioner had also engaged the same counsel as had been engaged by his father and brother. The said counsel has already cross-examined the witnesses examined by the land lord. Petitioner had moved the application for setting aside the *ex parte* proceedings against him when the case was fixed for respondent evidence. In these circumstances, the trial Court had rightly allowed the petitioner to join proceedings at the stage as on 04.03.2015. Since the respondent No.1 has already been cross-examined by the counsel engaged by the petitioner, there is no force in the argument raised by learned counsel for the petitioner that the petitioner will suffer an irreparable loss as he has been denied the opportunity to enable him to cross-examine the landlord.

No ground for interference, is made out.

Dismissed.

**(SABINA)
JUDGE**

April 21, 2015

m.singh