

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

**Civil Revision No.410 of 2015 (O&M)
Date of Decision: January 19, 2015.**

Kamlesh Kumar and others

.....PETITIONER(s).

VERSUS

Sushil Kumar and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Bains, Advocate for
Mr. Vijay Sharma, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

This revision petition has been filed against the order dated 15.12.2014 whereby Rent Controller, Samana allowed the recalling of AW3 Saurav Kumar who appeared as witness and tendered his affidavit but his cross-examination was deferred on the request of learned counsel for the revision petitioners-tenant on 26.05.2014. Thereafter remaining witnesses of respondent-landlord were recorded and ultimately the evidence was closed on 06.10.2014, without recording cross-examination of AW3 Saurav Kumar.

When the case was fixed for evidence of revision petitioners-

tenant, it came to the notice of respondent-landlord that cross-examination of AW3 has not been conducted and moved the application for recalling and cross-examination.

The Rent Controller with the observations that the cross-examination of this witness is necessary for the proper conclusion of the matter, allowed the application subject to costs of ₹500.

Learned counsel for the revision petitioners submits that application could not be allowed as the respondent-tenant was required to move application for additional evidence for recalling of AW3.

The above contention of learned counsel for the revision petitioners carries no weight as the witness had already been examined and his cross-examination was not concluded on the request of learned counsel for the revision petitioners. It was lapse on the part of learned counsel for the respondent-landlord that he closed the evidence without taking care of the fact that cross-examination of this witness was yet to be conducted. On the very next date after the conclusion of evidence by him, he came to know about the lapse and moved the application. No prejudice will be caused to the revision petitioners in case the witness, whose examination-in-chief had already been recorded, be cross-examined.

This revision petition has no merits. Dismissed.

January 19, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE