

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

CR NO.3882 OF 2014
DATE OF DECISION : 10th FEBRUARY, 2015

Dr. S. M. Nehra

.... Petitioner

Versus

Dr. S. L. Arora

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Saurabh Kathuria, Advocate for
Mr. Hittan Nehra, Advocate for the petitioner.

Mr. Anuj Raura, Advocate for
Mr. H.K. Raura, Advocate for the respondent.

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SURINDER GUPTA, J. (ORAL)

1. Heard.

2. This is revision petition against order dated 08.05.2014 whereby after granting many adjournments, the opportunity to cross-examine the petitioner landlord and his son was treated as 'nil' on the failure of counsel for the revision petitioner to cross-examine them.

3. The counsel for respondent submits that the only purpose of revision petitioner is to prolong the disposal of ejectment petition, which was filed in the year 2010 and despite grant of several opportunities by the Court the revision petitioner has not cross-examined respondent and his witness. Earlier in CR No.5510 of 2013 filed by the respondent herein, the directions were issued to the Rent Controller to dispose of the eviction petition by September, 2014. Despite grant of opportunities thereafter, the revision petitioner failed to cross-examine the witnesses. He further submits that in order to expedite the disposal of the case he has no objection if one more opportunity is allowed to the revision petitioner to cross-examine the witnesses, subject to costs.

4. On perusal of the order of the Rent Controller, I find that the revision petitioner had already been allowed a number of opportunities to cross-examine the witnesses of respondent. The affidavits of the witnesses were tendered on 15.11.2012 and thereafter the case remained pending for the cross-examination of the witnesses. The very motive of the revision petitioner appears to be to delay the proceedings. However, in view of the submission of learned counsel for respondent, one more opportunity is allowed to the revision petitioner to cross-examine the respondent and his witness.

5. The revision petition is allowed, subject to payment of ₹10,000/-, which will be paid by the revision petitioner in the shape of demand draft in the name of respondent.

6. The ejectment petition is stated to be fixed for 10.03.2015. The Rent Controller will take up the file on 25.02.2015 on which date the cost will be paid. In the event of the cost being paid, one effective opportunity will be allowed to revision petitioner to cross-examine the witnesses whose affidavits have already been tendered. It is, however, made clear that in the event of failure of the revision petitioner to cross-examine the witnesses, no further adjournment shall be allowed.

7. The proceedings in this case have been delayed because of the interim order passed in this revision petition. The Rent Controller is directed to expedite the disposal of the revision petition and dispose of the same on or before 31.08.2015.

8. Copy of this order be sent to the Rent Controller.

10th February, 2015
'raj'

(SURINDER GUPTA)
JUDGE