

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

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Civil Revision No.6326 of 2015 (O&M)

Date of Decision: October 21, 2015

Veena Jindal and another

...Petitioners

Versus

Krishan Kumar Singal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vivek Chauhan, Advocate
for the petitioners.

Mr. Sourabh Goel, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 04.09.2015 passed by the Rent Controller, Ludhiana, by which the application for recall of the order dated 27.01.2015 by which the cross-examination of AW-Vijay Kumar has been treated as nil while adjourning the case, has been dismissed.

It is the contention of learned counsel for the petitioners that the counsel for the petitioners could not appear before the Court on the said date because of the marriage of his daughter, which was to be solemnised in Una, Himachal Pradesh and he had gone there for the said purpose, because of which the cross-examination of the said witness could not be done. He, however, does not dispute the fact that opportunities have been granted to him to cross-examine the witnesses. He prays for one last opportunity to cross-examine AW-Vijay Kumar.

On the other hand, counsel for the respondent has contested the

assertion of the counsel for the petitioners by stating that even after the passing of the order dated 27.01.2015, there has been various dates, on which the application for recall of the said order could have been moved earlier. No explanation has also been given with regard to the non-moving of the appropriate application for recall of the order dated 27.01.2015. He contends that ample opportunities have been granted to the petitioner and, therefore, no further opportunity is required to be given. The petitioners, who are the tenants in the premises, are not using the said premises as the same is locked and the mere intention is to harass the respondent and to delay the proceedings before the Rent Controller, Ludhiana. He, therefore, prays for dismissal of the present civil revision petition.

I have heard the learned counsel for the parties and on consideration of the submissions made by them, keeping in view the personal difficulty of the counsel for the petitioners, because of which he could not appear on 27.01.2015 i.e. the marriage of his daughter in Una, Himachal Pradesh, the prayer made in the petition is accepted.

One opportunity is granted to the petitioners to cross-examine AW-Vijay Kumar on the date fixed before the Rent Controller, Ludhiana.

This shall be subject to payment of ₹10,000/- as costs to the respondent on the date fixed before the Rent Controller, Ludhiana.

The petitioners, thereafter, shall be granted three opportunities to lead their evidence.

Keeping in view the fact that the respondent is 78 years of age and the rent petition is pending since the year 2012, the disposal of the rent

petition be expedited and the same be concluded preferably within a period of four months from today.

Copy of this order be given *dasti* to the counsel for the parties under signatures of Reader of this Court.

October 21, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE