

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8054 of 2015
Date of decision: 01.12.2015

Rajinder Garg

... Petitioner

Versus

Palo Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Dharam Chand Mittal, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 22.01.2015, rendered by Rent Controller, Chandigarh, cross-examination of Palo Kaur (PW1) was closed as nil, for despite opportunity granted to the petitioner, she was not cross-examined. Subsequently, vide order dated 23.10.2015, as even an application moved by the petitioner for recalling of the order dated 22.01.2015, was also dismissed, petitioner is before this court.

Ex facie, petitioner has been negligent and remiss in pursuing his cause, but the fact remains that in case he is not afforded one effective opportunity to cross-examine Palo Kaur (PW1), he shall not only suffer an incalculable loss, but that

might result in miscarriage of justice as well. As regards the inconvenience and the delay caused, respondent-landlord could always be compensated by awarding the suitable costs.

That being so, the orders dated 22.01.2015 & 23.10.2015 are set aside, and without issuance of any formal notice to the respondent to avert any further delay and expenses that he shall have to incur to defend these proceedings, the revision petition is disposed of in the following terms:

i) Petitioner shall be afforded one effective opportunity to cross-examine Palo Kaur (PW1) on the date that shall be fixed by the Rent Controller in this regard;

ii) In the event, petitioner is unable to cross-examine the witness i.e. Palo Kaur (PW1), on the date fixed, her cross-examination would be deemed to have been closed. No further opportunity shall be granted;

iii) This, however, shall be subject to payment of costs of ₹ 10,000/-, that shall be condition precedent.

December 1, 2015
Rajan

(Arun Palli)
Judge