

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 818 of 2015

Date of Decision: 23.04.2015

Sh. Tarninder Singh and another

.....Petitioners

Vs.

Sunil Malhotra

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kanwaljit Singh, Senior Advocate, with
Mr. Manveer Singh Dhaliwal, Advocate,
for the petitioners.

Mr. K.R. Dhawan, Advocate,
for the respondent.

SABINA, J.

Petitioners have filed this petition challenging the orders dated
13.11.2014 and 13.01.2015.

Learned Senior counsel for the petitioners has submitted that
petitioner No. 1 had appeared in the witness box for his examination-in-
chief but could not appear for his cross-examination due to inadvertence.
Learned Senior counsel has further submitted that only one opportunity be
granted to the petitioners to allow petitioner No. 1 to appear in the witness
box for his cross-examination.

Learned counsel for the respondent, on the other hand, has
opposed the petition.

Petitioners have sought the ejectment of the respondent.

Although, petitioner No. 1 had appeared, in his examination-in-chief but had failed to appear for the purposes of cross-examination. Although numerous opportunities were granted to the petitioners to conclude their evidence but they had failed to do so. However, keeping in view the interest of justice, it would be just and expedient to grant one opportunity to the petitioners to enable them to produce petitioner No. 1 for the purposes of cross-examination. In case, petitioner No. 1 is allowed to be cross-examined, the learned Rent Controller will be able to dispose of the *lis* between the parties in a fair and just manner. On the other hand, the respondent can be compensated with costs.

Accordingly, this petition is disposed of with a direction that the learned Rent Controller shall grant one effective opportunity to the petitioners to enable them to produce petitioner No. 1 for the purposes of his cross-examination, subject to payment of ₹10,000/- as costs. Costs be disbursed to the respondent. Thereafter, Rent Controller shall proceed further with the case, in accordance with law.

(SABINA)
JUDGE

April 23, 2015
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