

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

130

**Civil Revision No.8601 of 2015(O & M)
Date of Decision:18.12.2015**

Palak Dutt @ Sunita Rani

....petitioner

Versus

Shakuntla Devi and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1. Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.M.L.Saini, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 05.11.2015, rendered by Rent Controller, Chandigarh, cross examination of one of the witnesses of the tenant-petitioner i.e.RW2, was recorded and the matter was adjourned to 21.11.2015 for cross examination of RW1 and RW3. For, the Court had granted the tenant-petitioner last opportunity to lead rest of her evidence and no other witness of the tenant-petitioner being present, her evidence was closed, except for cross examination of RW1 and RW3. On the adjourned date, cross examination of RW1 was completed. But as RW3 was not present and even though, rest of the witnesses of the tenant-petitioner were present, but they too were not permitted to be examined, owing to order passed on the previous date of hearing. Undoubtedly, the tenant-petitioner has been a bit remiss in pursuing her cause but it

shall be equally true that in case, she is not afforded one effective opportunity to lead and conclude her evidence, she shall not only suffer an incalculable loss but that might also result in miscarriage of justice. As regards the inconvenience and the delay caused, respondents could always be compensated by awarding a suitable cost.

That being so, and without issuing any formal notice to the respondents to avert any further delay and the expenses that they shall have to incur to defend these proceedings, orders dated 05.11.2015 and 21.11.2015 are set aside and the petition is disposed of, in the following terms:

1. Petitioner-tenant shall be granted only one effective opportunity to lead and conclude her evidence on the date that shall be fixed by the Rent Controller, in this regard.
2. In the event, the petitioner-tenant fails to conclude her evidence on the designated date, her evidence shall be deemed to have been closed and no further adjournment shall be granted.
3. This, however, shall be subject to payment of costs of ₹ 5,000/-, which shall be condition precedent.

18.12.2015
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(ARUN PALLI)
JUDGE