

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

**CR NO.8472 OF 2014 (O&M)
DATE OF DECISION : 29th JANUARY, 2015**

Brij Mohan

.... Petitioner

Versus

Sham Sunder

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Aalok Jagga, Advocate for the petitioner.

* * * *

SURINDER GUPTA, J. (ORAL)

CM-917-CII-2015

The application is allowed and annexed zimni orders are taken on record, subject to all just exceptions.

CR NO.8472 OF 2014

1. Heard.
2. This revision petition is against order dated 20.10.2014 whereby the opportunity to cross-examine AW-1 Sham Sunder was treated as nil. The perusal of the copies of the orders taken on record show that the witness Sham Sunder had first appeared on 28.05.2014 and his cross-examination was deferred on the request of counsel for the respondent. He again appeared on 01.10.2014, but on the request of counsel for the tenant-revision petitioner his cross-examination was not conducted. Again on 20.10.2014 witness was present and counsel for revision petitioner was also present in Court but did not cross-examine the witness and the Court did not grant further opportunity. Learned counsel

for the revision petitioner submits that Sham sunder is the landlord-petitioner in the case and it was due to the fault of the counsel appearing before learned Rent Controller that he was not cross-examined. In the event of statement of Landlord going unrebutted, the revision petitioner will suffer in this case and also in subsequent litigation.

3. Though the manner in which the revision petitioner and his counsel have conducted before the Rent Controller cannot be termed as honest, still keeping the interest of justice and the fact that the statement of the landlord-respondent if goes unrebutted will affect the merits of the case, one more opportunity is allowed to the revision petitioner to cross-examine the witness, subject to costs of 15,000/-, out of which ₹5,000/- will be paid to the witness by way of demand draft in Court and remaining amount of ₹10,000/- will be deposited with Mediation and Conciliation Centre of this Court.

4. The revision petition stands allowed accordingly, subject to costs as above.

5. The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondent. In the event of respondent having any objection, he may file a petition to that effect, which on filing, be listed for hearing.

29th January, 2015
'raj'

(SURINDER GUPTA)
JUDGE