

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

**Civil Revision No.971 of 2015 (O&M)
Date of Decision: February 12, 2015.**

Mohan Singh Thakur

.....PETITIONER(s).

VERSUS

Sham Lal Sabharwal

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sudesh Sahi, Advocate for
Mr. Arvind Kashyap, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

This revision petition has been filed against the order dated 07.10.2014 whereby the opportunity to cross-examination the respondent-landlord was treated as 'Nil'.

Learned counsel for the revision petitioner seeks one more adjournment to enable the revision petitioner to cross-examine the respondent-landlord with the plea that for lapse on the part of counsel, a party should not suffer.

Perusal of the impugned order shows the conduct of revision petitioner and his counsel in the Court below. They not only attempted to delay the proceedings deliberately, but also flaunted order passed by the

Rent Controller. The affidavit for the cross-examination of respondent-landlord was tendered in the Court on 01.05.2013 and thereafter on one reason or the other, the cross-examination was not conducted by the counsel for revision petitioner. The Rent Controller has specifically mentioned in his order that respondent-landlord had been regularly coming but the dates were taken by the revision petitioner or his counsel on one pretext or the other. On 02.07.2014, the date was allowed subject to deposit of the costs with District Legal Services Authority but in defiance to the order, even the costs was not paid. Still, further opportunities were allowed and on 06.08.2014, the Court specifically directed that respondent-landlord be cross-examined on 07.10.2014, failing which the opportunity will be treated as 'Nil'. Again on 07.10.2014, the landlord was not cross-examined and a plea was raised before the Rent Controller that the counsel for the revision petitioner is busy at Panchkula. This shows the attitude of the counsel for the revision petitioner to by-pass the order of the Court. Such conduct of the revision petitioner-tenant do not call for any interference by this Court in the impugned order, particularly when despite several opportunities, the revision petitioner has continued with his defiant attitude to avoid cross-examining the witness. The Court has been giving adjournments for about 17 months to the revision petitioner to cross-examine the respondent-landlord, who had been attending the Court regularly. Agony of a witness, who has to repeatedly appear in Court and returning without his

cross-examination, can be well understood. This also gives him an opportunity to comment on the judicial system. In this case, learned Rent Controller even imposed the costs on the revision petitioner vide order dated 02.07.2014, to alert him but this had no effect and as taken note by learned Rent Controller, the costs was also not deposited. Under these circumstances, there was no other option before the Rent Controller, except to deny further opportunity for cross-examination of the witness and proceed further in the case.

I find no illegality in the order passed by the Rent Controller, who after giving enough opportunities, time and even advance notice to the revision petitioner-tenant that in the event of the witness being not examined, no further opportunity shall be granted, has passed the impugned order which call for no interference by this Court.

This revision petition has no merits. Dismissed.

February 12, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE