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

C.R. No.2270 of 2016

Date of Decision : 31.03.2016

Inderjit Singh

..... Petitioner

Versus

T.R. Sachdeva and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhinav Gupta, 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?

AJAY TEWARI, J. (Oral)

This revision has been filed against the order dated 04.03.2016 whereby an application moved by the respondent No.1-landlord seeking permission of the Court for himself (PW1) to be further cross-examined is allowed.

Learned counsel for the petitioner has argued that the respondent No.1-landlord had been partly cross-examined on 08.01.2015 when the matter was adjourned to enable him to produce his income tax returns. Thereafter, he never offered himself for cross-examination and ultimately after availing 10-15 opportunities he voluntarily closed his evidence on 18.01.2016. In these circumstances, he could not have been

allowed any further opportunity to be cross-examined further.

The Rent Controller had noticed that even on the adjourned date/s after 08.01.2015 the respondent No.1 had duly appeared and had accepted his contention that it was only on account of bonafide error that he was not offered for further cross-examination and that is why it allowed his application.

In my opinion, the key determinant in this case would be whether the application was bonafide or malafide. The Rent Controller had come to the conclusion after seeing the conduct of the party that the respondent No.1 had inadvertently omitted to offer himself for further examination and that it was not a case where he intentionally offer himself for further cross-examination and now seeking to fill up a lacunae in the evidence. I find no fault with the finding of the Rent Controller.

Learned counsel for the petitioner has then argued that the petitioner while under the genuine impression that the evidence of the respondents would not be led did not lead certain evidence which he would otherwise have led and therefore now the respondent cannot be allowed to lead any evidence. He has further argued that for this harsh prejudice to the petitioner the costs imposed are completely disproportionate.

In my opinion, both these arguments can be remedied. Therefore, it is clarified that after the respondent No.1 is cross-examined the Rent Controller will also give two effective opportunities to the petitioner to lead evidence if he may want to. Further the costs are also increased to Rs.15,000/-.

Consequently, the petition stands disposed of .

Since the main case has been decided, the pending civil
miscellaneous application, if any, also stands disposed of.

March 31, 2016
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(AJAY TEWARI)
JUDGE