

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

Civil Revision No.366 of 2016

Date of Decision: 17.02.2016

Rajinder Kapoor

. . . Appellant

Versus

Vinod Dhanda

. . . Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioner.

Mr. Ashish Pal Kaushal, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (Oral)

Challenge in this revision is to the order dated 14.12.2015 passed by the Rent Controller, Ludhiana, whereby an application for recalling of the order dated 19.12.2014, by which the opportunity to cross-examine PW-1 has been ordered as nil, has been dismissed by asserting that various opportunities have been granted to cross-examine the witness of the petitioner, but the respondent has not done so.

2. Counsel for the petitioner has taken me to the orders passed on the dates on which it has been mentioned that the petitioner was

present, but has not been cross-examined by the respondent. Out of those orders two are found to be those when the Judge (Rent Controller) was on leave. In total four opportunities as per the impugned order have been granted and out of those two are found to be because of the court as hon'ble Judge did not hold the Court. Thus the findings recorded by the trial Court cannot be said to be correct, which indicates that the orders which have been passed, reference whereof has been given in the impugned orders have not been gone into by the Rent Controller, Ludhiana, before passing the impugned order.

Impugned order is, thus, set aside. One opportunity is granted to the petitioner to cross-examine Smt. Vinod Dhanda (PW-1) who shall appear on the next date of hearing before the Rent Controller, Ludhiana, who shall give one effective opportunity to the petitioner to cross-examine her. This shall, however, be subject to payment of Rs.5000/- to the landlord.

[AUGUSTINE GEORGE MASIH]
JUDGE

17.02.2016
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