

CR No. 371 of 2016

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

CR No. 371 of 2016

Date of Decision: February 27, 2016

Balraj Bansal

...Petitioner

Versus

M/s Gora Kala Brothers, Moga

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Parveen K. Kataria, Advocate
for the petitioner.

Mr. Raj Kumar, Proprietor of
the respondent-Firm in person.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this revision petition is to the order dated 26.05.2015, vide which the evidence of the petitioner who is landlord, was closed as also the order dated 15.12.2015, whereby, the application for review of the said order was dismissed.

Counsel for the petitioner has referred to the various zimni orders passed by the Rent Controller, Moga, from 17.09.2013 till 26.05.2015 to demonstrate that on most of the occasions, it is the respondent-tenant who had been seeking dates on one pretext or the other while the witness/witnesses on behalf of the petitioner were present. He contends that only the cross-examination of the four witnesses produced by him is left out and their examination-in-chief

stands concluded. He states that on the next date of hearing fixed before the Rent Controller, i.e. 11.03.2016, all the four witnesses will be present in Court for their cross-examination by the respondent.

Mr. Raj Kumar, who is proprietor of the respondent-firm, appears in person and states that he has no objection to the offer made by the counsel for the petitioner and accepts the same.

In view of the above, the impugned orders dated 26.05.2015 and 15.12.2015 passed by the Rent Controller, Moga, are hereby set aside. All the four witnesses of the petitioner shall appear before the Rent Controller, Moga, on 11.03.2016, when the rent petition is listed for hearing for their cross-examination and the respondent shall cross-examine them on the said date. In case for some unavoidable reason(s), the cross-examination is not completed on the said date, the left out witness(es) will be bound down for the next date to be fixed by the Rent Controller and no further adjournment will be granted to the respondent for cross-examination of the witnesses of the petitioner. In case the witnesses of the petitioner fail to appear on the date fixed, no further opportunity will be given to the petitioner to produce his witnesses for cross-examination and his evidence shall be ordered to be closed .

The revision petition stands disposed of with above observations.

(**AUGUSTINE GEORGE MASIH**)
JUDGE

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