

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 4542 of 2016

Date of Decision : 04.11.2016

Rajinder Kumar

....Petitioner

Versus

Veena Sahnan

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. R.S. Mamli, Advocate
for the respondent.

Surinder Gupta, J. (Oral)

Heard.

Vide order dated 16.02.2016, Rent Controller framed an issue
as follows:-

*“Whether the respondent is liable to be ejected on the ground
of personal necessity of the petitioner? OPP”*

Thereafter, revision-petitioner (tenant) moved an application
for providing an opportunity to cross-examine PW-1 and PW-2 on the
additional issue but his application was declined with the observation that
revision-petitioner has already cross-examined the witnesses on all the
points, as such, there is no reason to recall the witnesses for further cross-
examination.

After framing of additional issue opportunity is required to be
given to landlord-respondent to lead evidence on the issue framed and to the
revision-petitioner (tenant) to cross-examine, if he so desires.

Learned counsel for the respondent submits that landlord has

already led evidence on this issue, as such, she does not want to lead further

evidence.

The opportunity is to be provided to revision-petitioner (tenant) to cross-examine the witnesses, already examined, on the additional issue framed. In the absence of opportunity to cross-examine the witness of landlord after framing of additional issue about requirement of demised premises for his personal need, the tenant at any stage, can raise plea that he could not cross-examine the witness of landlord on this issue.

This revision-petition is allowed and order dated 06.04.2016 passed by Rent Controller, Ludhiana is set aside. Revision-petitioner is allowed opportunity to cross-examine PW-1 and PW-2. These witnesses will be produced by the respondent on the date fixed by learned Rent Controller, who will provide one opportunity to tenant/revision-petitioner to cross-examine these witnesses.

November 04, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No