

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

**C.M. NOS.21335 & 16332 CII OF 2016 &
CIVIL REVISION NO.5274 OF 2016**
DATE OF DECISION: DECEMBER 09, 2016

Sh.Surjit Saini and another

.....Petitioners

VERSUS

Manoj Gupta and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Jaswinder Singh, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASI, J. (ORAL)

C.M. No.21335 CII of 2016

Application is allowed as prayed for subject to all just exceptions.

C.M. No.16332 CII of 2016 & C.R. No.5274 of 2016

Challenge in this revision petition is to the order dated 14.01.2016 passed by the Additional Civil Judge (Senior Division), Ambala, whereby the application for setting-aside exparte order dated 07.05.2011 and exparte judgement dated 16.01.2012 was dismissed by the Rent Controller, appeal against which preferred by the petitioners has also been dismissed by the Appellate Authority, Ambala on 02.07.2016.

It is the contention of learned counsel for the petitioners that reliance as has been placed on the cross-examination of petitioner No.1 on

the basis of which, the Courts below have come to the conclusion that the evidence led in the case as also the statement cannot be relied upon is not correct as the authorities below have misread the statement. He contends that petitioner No.1, at that stage, was probably referring to some other affidavit and in support thereof, he has referred to date i.e. 26.05.2012 in the cross-examination, on which date it is asserted that signatures of petitioner No.1 were taken by his counsel. He, thus, contends that the Courts below have proceeded on wrong assumption while dismissing the application of the petitioners.

A perusal of the statement of petitioner No.1 would show that he had submitted an affidavit, Ex.JDW/A in evidence and it is in this context only that cross-examination of petitioner No.1 is being carried out by counsel for the respondents. The findings, as have been recorded by the Courts below, are based on proper appreciation of the statement, which has been given by petitioner No.1 in the cross-examination and there is no ambiguity therein. The fact remains that in the cross-examination petitioner No.1 has himself admitted that he was not aware of the contents of the affidavit as also as the fact that from where it was got prepared and from where it was got attested. This petitioner went to the extent of saying that he had not signed the register of the Advocate, who had attested the said affidavit. However, he admitted his signatures on the said affidavit. The date, which has been mentioned by petitioner No.1 when the signatures were obtained, is 26.05.2012 but he did not know what was written on this paper/affidavit. All these facts show that petitioner No.1 is totally ignorant about the affidavit, which has been filed in Court in evidence.

The impugned orders, as passed by the authorities below, being

in accordance with the pleadings and evidence brought on record, do not call for any interference by this Court in exercise of its revisional jurisdiction.

The revision petition, therefore, stands dismissed.

Since the main revision stands dismissed, C.M. No.16332 CII of 2016 for staying the operation of the impugned orders is also dismissed.

**December 09, 2016
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No