

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5550 of 2016

Date of Decision.26.09.2016

Mohd. Rafiq

.....Petitioner

Vs.

Surinder Kumar

.....Respondent

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Varun Jain, Advocate
for the respondent.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioner-respondent is aggrieved of the impugned order whereby the application for recalling of the landlord as AW-1 for the purpose of further cross-examination has been declined.

Mr. Sunny K. Singla, learned counsel appearing for the petitioner submits that the respondent-landlord has filed the petition for ejectment on the ground of personal necessity. In the written statement, categorical pleas with regard to having some other property and as well as intention of the landlord to sell the present property after having it vacated, have been taken. The cross-examination of the landlord done by erstwhile counsel on 21.08.2015 does not reflect the aforementioned fact. In this backdrop of the matter, application was moved on 05.11.2015 by the new counsel but the Court below has rejected the same on the ground that it is a

with costs of ₹10,000/- to ₹20,000/- as the cross-examination of the landlord is essential and necessary for adjudication of the lis.

Per contra, Mr. Varun Jain, learned counsel appearing for the landlord submits that cross-examination done on 21.08.2015 reveals that every question has been put to the landlord. Change of counsel is not an excuse to move such type of application even if there is offer of costs. Valuable right has accrued in favour of the landlord.

I have heard learned counsel for the parties and appraised the paper book. During the course of hearing, this Court called upon Mr. Singla as to what further questions he wants to ask and the answer is: (i) about alienation; (ii) about alienation of some other property which was lying vacant and (iii) as regards the avocation of the landlord. The rent petition is still at the stage of the petitioner/tenant's evidence stage. All these factors regarding the alienation and avocation can be proved in accordance with law. Nothing prevents the tenant to lead such evidence.

In my view, the application was wholly devoid of merit, much less, an attempt to delay the proceedings. It is strange that by changing the counsel such applications are moved without having any farsightedness. For the foregoing reasons, I do not intend to differ with the order under challenge, much less, observations given therein. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

September 26, 2016
Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No