

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

CR-6690-2016 (O&M)
Date of decision: 05.10.2016

Ravindra Tent House and another

... Petitioners

Versus

Renu Jindal

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajinder Kumar Singla, Advocate for the petitioners.

ARUN PALLI J. (Oral)

Vide order being assailed, dated 30.08.2016, rendered by the Rent Controller, Bathinda, the application moved by the petitioner-tenant to recall the respondent-landlord for further cross-examination has since been dismissed. Concededly, respondent - Renu Jindal (AW1) was cross-examined by the counsel for the petitioners on two different occasions i.e. 12.04.2016 & 03.05.2016. Whereafter, she closed her evidence. And it was only when the matter was posted for petitioners evidence, an application was moved to recall the respondent for further cross-examination.

Learned counsel for the petitioners submits that all what he now intends to put to the respondent in her cross-examination are the sale deeds, vide which she had purchased and sold properties in the same local urban area, which would show that her need to occupy the demised premises is not bona fide. And, the petitioners could lay their hands on these sale deeds after respondent-landlord statement was recorded.

On being asked, learned counsel for the petitioners submits that respondent-landlord has indeed been cross-examined as regards her personal bona fide need. And certain other sale deeds, vide which she had bought and sold certain other properties were also put to her. That being so, the application moved by the petitioners was wholly misconceived. In other words, if tomorrow the petitioners get to know of some other transactions, would they again want her to be recalled for still further cross-examination? Counsel for the petitioners already cross-examined the respondent as regards her bona fide need.

In any event, petitioners are yet to lead their evidence, and are thus free to adduce an appropriate evidence to substantiate their stand. Even otherwise, a witness can be recalled for further cross-examination only if the court requires his/her presence for elucidation or any clarification in the matter. But, of course, a party cannot be permitted to recall a witness only with intent to fill up the lacuna. It appears that whole purpose to move an application to recall the respondent for further cross-examination was to delay and derail the proceedings.

No interference is warranted in exercise of extraordinary jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is, accordingly, dismissed.

October 5, 2016
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:

YES/NO

Whether Reportable:

YES/NO