

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

**Civil Revision No.7112 of 2016 (O&M)
Date of Decision:October 24, 2016.**

Iqbal Singh

.....PETITIONER(s).

VERSUS

Sukhpal Singh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ankit Rana, Advocate
for the petitioner (s).

Mr. Amardeep Singh Gill, Advocate
for the caveator-respondent.

SURINDER GUPTA, J.

Heard.

This is revision petition filed by tenant Iqbal Singh, who is respondent in the ejectment petition filed by landlord Sukhpal Singh, seeking ejectment under Section 13 of East Punjab Urban Rent Restriction Act, 1949. The revision petitioner has sought opportunity to cross-examine respondent and his witnesses as his counsel failed to cross-examine them despite opportunity.

PW1 Sukhpal Singh was examined on 21.04.2016 and his cross-examination was deferred on the request of counsel for revision petitioner-tenant. Last opportunity was allowed for 12.07.2016 subject to payment of costs but on that day also, neither the costs was paid nor the witness was cross-examined. On 10.08.2016, one more witness Robin

Uppal was examined as PW2 but the counsel for the revision petitioner-tenant did not cross-examine him. Again on 09.09.2016, PW3 Jarnail Singh was examined but counsel for the revision petitioner-tenant again did not cross-examine him despite granting opportunity.

Learned counsel for the revision petitioner-tenant submits that it was due to inadvertent mistake of counsel engaged by the revision petitioner that the witnesses of respondent-landlord could not be cross-examined.

Learned counsel for caveator/respondent-landlord while disputing the contention of counsel for the revision petitioner submitted that orders passed by the Rent Controller reflect the conduct of the counsel for the revision petitioner-tenant before the Court below, who had deliberately avoided cross-examination of the witnesses examined in different dates and to deposit the costs imposed by the Rent Controller.

On perusal of paper book, orders passed by Rent Controller, I find no substance in the submission of counsel for the revision petitioner-tenant explaining the conduct of his counsel in the Court below. However, keeping in view the interest of justice and the fact that the witnesses, if allowed to go unexamined, will badly affect the case of the revision petitioner-tenant, I allow one more opportunity to the revision petitioner to cross-examine the witnesses subject to following terms:-

(i) On the date of cross-examination of the witnesses, revision petitioner-tenant will pay costs of ₹5,000/- to each of the witnesses except official witness through demand drafts in their names. Official witness will be paid his one day salary plus other expenses as admissible.

(ii) The revision petitioner will also deposit a sum of ₹5,000/- as costs with District Legal Services Authority, Jalandhar.

(iii) The Rent Controller will allow the revision petitioner-tenant only one opportunity to cross-examine the witnesses on payment of costs to the witnesses through demand drafts and on production of receipt of deposit of costs with District Legal Services Authority, Jalandhar.

It is, however, made clear that on failure of counsel for the revision petitioner-tenant (respondent in Court below) to cross-examine the witnesses on that day, no further opportunity will be allowed. Respondent-landlord will produce his witnesses on the date fixed and for this purpose, he can take *dasti* summons from the Court below, if required.

Revision petition stands disposed of accordingly.

October 24, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***