

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

**Civil Revision No.7127 of 2016 (O&M)
Date of Decision:October 24, 2016.**

M/s Vishal Furnishers and another

.....PETITIONER(s).

VERSUS

Sahil Uppal

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Namit Gautam, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is revision against the order dated 28.09.2016, whereby the application of revision petitioners-tenants seeking recall of Mr. Sahil Uppal, respondent-landlord, who was examined as PW1, was dismissed by the Rent Controller. In order, the Rent Controller not only termed the application filed by the revision petitioners-tenant as abuse of the process of Court but also dismissed the same with costs.

Perusal of the order shows that the observations of the Rent Controller were not without reason. Respondent-landlord Sahil Uppal was examined on 28.08.2014 and thereafter, 15 opportunities were allowed to the revision petitioners-tenants to cross-examine him. The Rent Controller was constrained to close the statement of PW1 Sahil Uppal vide order dated 06.01.2015 as the counsel for revision petitioners-tenants did not cross-examine him. However, that order was reviewed on 05.01.2016 and PW1

Sahil Uppal was cross-examined by revision petitioner on 09.02.2016, thereafter, the respondent-landlord closed the evidence. The Rent Controller allowed several adjournments to the respondent to produce evidence but instead of examining even a single witness, application was moved for recalling PW Sahil Uppal for further cross-examination on the ground that the counsel changed by the revision petitioners-tenants, has found that certain questions could not be put to him in the cross-examination. Apparently, conduct of the revision petitioners-tenants shows that the application is mala fide. The change of counsel is no ground to allow such application as PW1 Sahil was cross-examined by counsel for revision petitioners and plea of petitioners seeking recall of witness, if allowed, will start an unending process, where it will be difficult to complete statement of a witness. The revision petitioners-tenants have already delayed the proceedings by taking numerous opportunities to cross-examine PW1 Sahil Uppal. I find no legal or factual infirmity in the order passed by the Rent Controller, calling for any interference.

This revision petition has no merits.

Dismissed.

October 24, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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