

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

C.R. No. 1051 of 2017
Date of decision: 29.03.2017

Parveen Kohli

....Petitioner(s)

Versus

Chand Kishan

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashish Gupta, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Counsel for the petitioner-tenant submits that vide order dated 29.11.2016 (Annexure P-4), his application for proving the copy of VCD of video recording and allowing the petitioner to confront and cross examine the landlord was allowed by the Rent Controller, Ambala. The case had been fixed for 06.12.2016 for the said purpose. It is submitted that the said order had become final and was never challenged as such by the landlord. On 06.12.2016, the landlord was present for cross examination but an adjournment had been requested by counsel for the petitioner-tenant which was declined on the ground that only last opportunity had been granted for the said purpose. The evidence of the tenant was, thus, closed by order on 06.12.2016 and the case was fixed for 18.01.2017 for rebuttal evidence and arguments, which is the subject matter of challenge.

Counsel submits that it has been pleaded in the revision petition that on account of the illness having viral fever, the petitioner-tenant could not put in appearance alongwith the VCD for the purpose of confrontation of the landlord. He submits that the case is now fixed for 03.04.2017 and last opportunity be granted subject to payment of costs.

Keeping in view the above facts and the fact that the Rent Controller has granted permission for confrontation of the landlord, this Court is of the opinion that the other side can be compensated with costs.

Accordingly, the present revision petition is being disposed of without calling upon the other side as it would only delay the proceedings as such.

At this stage, Mr. Vishal Aggarwal, Advocate puts in appearance on behalf of the respondent. He does not controvert the fact that the case is fixed for 03.04.2017.

Accordingly, the present revision petition is allowed and the order dated 06.12.2016 is set aside. The needful is permitted to the petitioner-tenant for 03.04.2017, subject to payment of ₹7500/- as costs which will be tendered before the confrontation is permitted. The parties will be present in Court for the said purpose. It is made clear that no further opportunity will be granted to the tenant for the said purpose, provided the Court is in session on 03.04.2017.

29.03.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No