

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1148 of 2017 (O&M)

Date of decision: 11.05.2017

Kuljeet Singh and others

... Petitioners

versus

Bhola Ram

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajesh K. Moudgil, Advocate for the petitioners.

Mr. T.S. Khaira, Advocate for the respondent.

HARI PAL VERMA, J. (ORAL)

The present revision petition has been filed by the petitioner-landlords praying for setting aside the order dated 14.12.2016 (Annexure P3) passed by learned Rent Controller Panchkula whereby the evidence of the petitioner was closed by Court order.

On 13.12.2016, learned Rent Controller, Panchkula has passed the following order:

Two Pws Mahinder Kaur and Sohan Lal, Patwari, are present and their cross-examination in chief recorded, but at the time of their cross examination, no one has appeared for their cross-examination. At 4.00 PM an application has been filed by defendant to cross examination the witnesses of petitioner. Now, the above said two witnesses are discharged for today and bound for

14.12.2015 subject to the payment of cost of Rs. 100/- each to be paid to the witnesses.

Accordingly, the case was adjourned to 14.12.2016. However on 14.12.2016 the evidence of the petitioners was closed by order observing that the petitioners have already availed sufficient opportunities including last opportunity to conclude their evidence, but, failed to do so.

Learned counsel for the petitioners has argued that infact on 13.12.2016 when the case was fixed for examination-in-chief of Pws Mahender Kaur and Sohal Lal, Patwari both of them were available for cross-examination but no one has appeared on behalf of the respondent-tenant to cross-examine them. It is only at 4.00 P.M. when the Court time was over, an application was moved for their cross-examination which otherwise was not feasible. Once on 13.12.2016 defendants themselves have not cross-examined the Pws, no fault can be attributed to the petitioners and therefore, the Court should not have closed the evidence.

On the other hand, learned counsel for the respondent has argued that the petitioners are prolonging the case of one ground or the other. The petitioners were afforded ample opportunities to conclude their evidence but despite having availed numerous opportunities they have not concluded the same.

I have heard learned counsel for the parties.

Having perused the order dated 14.12.2016, it is apparent that on that date, two PWs Mahender Kaur and Sohal Lal, Patwari appeared but due to non-availability of the counsel, their cross-examination could not be completed. Merely because numerous opportunities were granted the evidence of the petitioners should not have been closed, as on the previous date i.e. 13.12.2016, it is respondent who failed to cross-examine the PWs. Therefore, this court finds that petitioners deserve one more opportunity to adduce the evidence.

Accordingly, the order dated 14.12.2016 passed by Rent Controller, Panchkula is set aside and the petitioner is granted one opportunity to adduce the evidence.

The petitioner shall produce their witnesses on the date fixed. It is made clear that only one effective opportunity shall be granted to the petitioner to produce the witnesses.

With the aforesaid directions, the present petition stands disposed of.

(HARI PAL VERMA)
JUDGE

11.05.2017

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Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No