

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

**Civil Misc. No.416-CII of 2017 in/and
Civil Revision No.176 of 2017
Date of decision: 16.01.2017**

Agya Rani and others

...Petitioners

Versus

Ashok Aggarwal

...Respondent

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

Present: Mr. Dhawaljeet Dutta, Advocate for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

Civil Misc. No.416-CII of 2017

Prayer made in the present Civil Misc. Application for granting exemption from filing certified copies of impugned order dated 13.12.2016 as well as Annexures P/1 and P/2 is allowed subject to just exceptions.

The Civil Misc. Application stands disposed of accordingly.

Civil Revision No.176 of 2017

The petitioners-tenants are aggrieved against the order dated 13.12.2016 passed by the Rent Controller, Gurdaspur vide which the evidence of the petitioners was closed and the case was fixed for rebuttal evidence on account of their non appearance of witnesses for cross examination.

It is pointed out that now the case is fixed for 23.1.2017.

Counsel for the petitioners submits that in the absence of cross-examination, the evidence would not be read by the trial Court which would necessarily prejudice the case of the petitioners-tenants. It is further submitted that the eviction petition is dated 11.2.2013 and the ample opportunities had been given to the landlord. It is submitted that the witnesses will appear on the next date for cross-examination and the respondent-landlord can be duly compensated by payment of costs for the inconvenience caused.

Keeping in view the above facts and circumstances of this case, this Court is of the opinion that there is no requirement of issuing notice to the respondent as it will unnecessarily entail unnecessary expenses and

delay the matter. However, it is open to the respondent to file an appropriate application for recalling of the order in case there is any concealment of fact.

After hearing counsel for the petitioners and considering the fact that the petition was only filed in the year 2013 and adequate opportunities were to be given to the tenants also to defend their case and lead their evidence, this Court is of the opinion that order dated 13.12.2016 passed by the Rent Controller, Gurdaspur is liable to be set aside subject to payment of ₹ 2500/- as costs which will be paid to the landlord.

Ordered accordingly.

It is, however, made clear that the witnesses shall be present in the trial Court for cross-examination on the next date of hearing i.e. 23.1.2017. In case they are not present, then the impugned order will come back into force and the present petition will be deemed to have been dismissed. It is further clarified that in case the respondent-landlord does not cross examine the petitioners on the next date, another opportunity will be given for the said purpose.

With the aforesaid observations, the present revision is disposed of.

January 16, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No