

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

**Civil Revision No. 2219 of 2017 (O&M)
Date of Decision: 03.11.2017**

Smt. Surinder Kaur

..... Petitioner

Versus

Deepak Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. D.P. Gupta, Advocate
for the petitioner-landlady.

None for the respondent-tenant.

JASWANT SINGH, J. (ORAL)

Petitioner-landlady is in revision directed against the order dated 18.05.2016 (**Annexure P-2**), whereby her evidence was closed by order; and also an order dated 10.01.2017 (**Annexure P-5**), whereby her application for recalling the orders dated 18.05.2016 and 04.07.2016 has been dismissed.

It is contended that the petitioner-landlady has filed the eviction petition on the ground of '*non-payment of rent and personal necessity*', no doubt sufficient opportunities had been extended for leading her evidence, however, due to some talks of compromise during the pendency of eviction petition, led to the delay in concluding evidence of the landlady. It is, thus, urged that only one opportunity be granted to offer the landlady for her own cross-examination pursuant to her examination-in-chief by affidavit, in the interest of justice, subject to the respondent-tenant being compensated, as otherwise the drastic step of closing the evidence

would amount to miscarriage of justice for aged landlady.

None has come present to contest on behalf of respondent-tenant.

After hearing counsel for the petitioner-landlady and keeping in view the facts and circumstances of the case, it is deemed expedient in the interest of justice to grant one opportunity to the petitioner-landlady to conclude her evidence by offering herself for cross-examination subject to payment of cost of ₹ 10,000/- (Ten Thousand only) by way of demand draft to the respondent-tenant.

Ordered accordingly.

Consequently the impugned orders dated 18.05.2016 (P-2) and 10.01.2017 (P-5), passed by the Rent Controller, Jalandhar, are set aside.

The Rent Controller, Jalandhar, will fix a day for such purpose subject to prior payment of the aforesaid costs in the aforesaid manner.

Disposed of.

November 03, 2017

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>