

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

C.R. No.7089 of 2017 (O&M)
Date of decision: 01.11.2017

Om Parkash @ Billu

....Petitioner

versus

Vikram Sandhu

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

Ms. Ekta Thakur, Advocate
for the respondent.

* * * *

DEEPAK SIBAL, J. (Oral)

On 12.09.2017, the respondent-landlord was examined-in-chief. On the request of learned counsel appearing on behalf of the petitioner-tenant, his cross-examination was deferred to 19.09.2017. However, even on 19.09.2017, when the respondent-landlord again offered himself for cross-examination, learned counsel appearing on behalf of the petitioner-tenant did not do so and sought an adjournment, which was permitted by the Rent Controller, Chandigarh, subject to payment of Rs.200/- as costs. On the adjourned date also neither the costs were paid nor the respondent-landlord was cross-examined, leading to the passing of the

order dated 25.09.2017 by the Rent Controller, Chandigarh, taking the cross-examination of the respondent-landlord as nil. It is this order which is the subject matter of challenge in the present petition.

Learned counsel for the petitioner submits that only two effective opportunities had been availed of by learned counsel for the petitioner to cross-examine the respondent-landlord and that on the day when the impugned order was passed, the respondent-landlord could not be cross-examined due to the fact that the counsel for the petitioner was in some personal difficulty. He prayed for the grant of only one effective opportunity to cross-examine the respondent-landlord and for such effective opportunity he consented to compensate the respondent by paying to him ₹20,000/- as costs, which have been assessed by this Court.

Learned counsel appearing on behalf of the respondent very fairly submits that subject to the payment of the above costs, the petitioner-tenant may be granted only one effective opportunity to cross-examine the respondent-landlord.

In view of the above facts as also the statement made by learned counsel for the respondent, after setting aside the impugned order, the petitioner is granted one effective opportunity to cross-examine the respondent-landlord. For such purpose the respondent shall appear before the Rent Controller, Chandigarh, on the next date fixed before it and the petitioner through his counsel shall be allowed to cross-examine him. It is made clear that no further opportunity shall be granted.

Learned counsel for the petitioner undertakes to deposit the above awarded costs of ₹20,000/- through a Bank draft in the name of the respondent before the Rent Controller, Chandigarh, within one week from

today. On such deposit, the same shall be disbursed to the respondent.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

November 01, 2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>