

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

**CR-2373-2017 (O&M)  
Date of decision: 15.02.2018**

**Avtar Singh**

**...Petitioner**

**Versus**

**Jawand Singh**

**...Respondent**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Jaideep Verma, Advocate,  
for the petitioner.

Mr. Aditya Dassaur, Advocate,  
for the respondent.

**Ritu Bahri, J.**

Challenge in this petition is to the order dated 08.03.2017 (Annexure P-5) passed by the Rent Controller, Ludhiana, whereby application filed by tenant-petitioner under Order 26 rule 9 CPC for getting his cross-examination conducted by way of appointment of Local Commissioner, has been dismissed.

After hearing learned counsel for the parties and going through the impugner order, this Court is of the view that in order to impart complete justice to the parties, one effective opportunity should be granted to the petitioner to get his cross-examination conducted by way of appointment of Local Commissioner. Moreover, as per certificate dated 12.05.2017 (Annexure P-25), petitioner who is aged about 66 years, is suffering from severe weakness and is unable to mobilize properly. He was

advised complete bed rest.

In these circumstances, the impugned order is set aside and one effective opportunity is granted to the petitioner to get his cross-examination completed by way of appointment of a Local Commissioner, subject to costs of Rs.10,000/- to be paid to the landlord-respondent. It is made clear that in case, petitioner fails to get himself examined on the date fixed when Local Commissioner will visit his house, the cross-examination will be treated as 'nil'.

Allowed accordingly.

15.02.2018  
ajp

(RITU BAHRI)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |