

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.3846 of 2018 (O&M)
Date of Decision : 10.08.2018

Anita Rani

..... Petitioner

Versus

Lakhbir Kaur

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. M.S.Sachdev, Advocate
for the petitioner.

Mr. B.D.Sharma, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dated 13.03.2018 whereby the Rent Controller, Jalandhar has treated the cross-examination of PW1 and PW2 as 'Nil'. Even on the date when notice of motion was issued the stand of the learned counsel for the petitioner was that this was a prayer which could have been allowed on payment of costs. Today this is the same prayer. He has not sought to unnecessarily attack the order but has come out in a frank and forthright manner.

Counsel for the respondent states that this is a case whereby not cross examining the witnesses the petitioners have managed to drag all the litigation. He has further pointed out that now one of the witnesses, PW-Lakhbir Kaur is not available and will be available only in October.

In the totality of circumstances, I am not persuaded to dismiss the petition and consequently allow the same. The petitioner would be entitled to one opportunity to cross examine the two witnesses subject to payment of Rs.20,000/- costs to be paid by way of draft in favour of the respondent.

Counsel for the respondent undertakes to produce PW-Surjit Singh on the next date and the petitioner would be at liberty to cross examine him. It is made clear that in case the petitioner does not cross examine him, his cross examination would be treated as nil. Likewise for PW Lakhbir Kaur, counsel for the respondent states that she would come present for cross examination on any date in October which may be fixed in this regard by the Rent Controller. Just like in the case of PW Surjit Singh, the petitioner would be entitled to cross examine her on that one date but in case he does not do so it may be treated as nil.

Petition stands allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10.08.2018
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No