

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

**Civil Revision No. 8044 of 2018
Date of Decision: November 28, 2018.**

Rajvir Singh

.....PETITIONER(s).

VERSUS

Jaswinder Kaur Saini

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Khurana, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for petitioner submits that the respondent (petitioner herein) had gone to Canada as such could not appear after tendering of affidavit for his cross examination. He seeks only one adjournment for petitioner to appear for his cross examination. He submits that next date before the Rent Controller is 3.12.2018 on which date the petitioner will appear before the Rent Controller for his cross examination.

As per impugned order dated 8.10.2018, evidence of the petitioner was closed after allowing 11 opportunities. The number of adjournments allowed to the petitioner cannot be termed as insufficient to the party to a suit or petition. It is required to conclude the evidence within three dates fixed by trial court for recording evidence. The lower court appears to be quite lenient in granting 11 adjournments and that too without imposing any costs or penalty upon the petitioner who sought repeated adjournments.

Keeping in view the fact that affidavit of the petitioner has already been tendered and the learned counsel for the petitioner undertake that the petitioner will put in appearance on the next date of hearing for his cross examination, this petition is allowed subject to payment of ₹5000/- as costs which the petitioner will deposit with Legal Services Authority, Ludhiana before appearing as witness on 3.12.2018. The lower court will record his cross examination on 3.12.2018 or on the next date of hearing as allowed. It is, however, made clear that no adjournment beyond that will be allowed for appearance of revision petitioner and his evidence shall be deemed as closed in the event of non compliance of order of lower court.

The order has been passed in the absence of respondent to avoid unnecessary delay and expenses. A copy of this order be conveyed to the respondent. In the event of respondent having any objection, she may file petition to that effect. On receipt of the petition, the same be listed for hearing.

November 28, 2018.
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(SURINDER GUPTA)
JUDGE

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