

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

Civil Revision No.14 of 2019 (O&M)

Date of Decision: January 16, 2019

Mohinderjit Kaur

...Petitioner

Versus

Rajinder Kumar

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurmeet Singh, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

Learned counsel for the petitioner herein seeks to impugn the order dated 29.10.2018 whereby, the evidence of the petitioner stands closed.

It is argued that PW Madan Mohan was present in the court on 23.10.2018 and was examined-in-chief, but his cross-examination was deferred on the request of learned counsel for the respondent to 29.10.2018. However, on the adjourned date, no appearance was put in by counsel for the petitioner or PW Madan Mohan on the ground that inadvertently the next date that was noted in the diary was 08.01.2019. Learned counsel for the petitioner herein contends that it is only on account of inadvertent mistake, the counsel did not put in appearance along with the said witness and prays for one more opportunity to produce PW Madan Mohan at his own risk and responsibility. It is further argued that extreme hardship will

be caused to the petitioner herein in case, she is not allowed to produce the said witness for his cross-examination, since she is seeking ejectment of the respondent-tenant from the tenanted premises.

Notice of motion was issued in the said matter and *dasti* notices were directed to be served upon the sole respondent. As per report of the Process Server on the *dasti* summons, respondent was not found at the given address, however, his wife has been given the copies of the summons and the petition, however, she refused to sign the summons in acknowledgment thereto.

I have heard learned counsel for the petitioner and also perused the pleadings of the case.

Admittedly, the petitioner who is the landlady, is seeking ejectment of the respondent-tenant from the shop in dispute for the personal use and occupation of her son, apart from seeking eviction on the ground that the respondent is chronic defaulter in payment of the rent. The Rent Controller has closed the evidence of the petitioner on 29.10.2018 since PW Madan Mohan was not present for his cross-examination. On the next date of hearing, no RW was present and the case stands adjourned for evidence of the respondent. Since the petitioner herein is seeking only one opportunity to produce her witness for cross-examination, the same ought to be allowed in the interest of justice as no great hardship would be caused to the respondent herein since the respondent has yet to conclude his evidence. This court is informed that the next date of hearing fixed before the trial court is 18.01.2019. The petitioner is directed to produce the witness PW Madan Mohan on 18.01.2019 before the trial court at his own risk and

responsibility and he will be cross-examined on the said date i.e. 18.01.2019 or any other date, which is convenient to the trial court.

The petition stands allowed in the aforesaid terms.

January 16, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No