

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6344 of 2018(O&M)
Date of Decision: 16.10.2019.

Jaswinder Kaur

.....Petitioner

Versus

Faiaz Ali and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. N.S.Mahal, Advocate
for the petitioner.

Mr.Rohiteshwar Singh, Advocate
for the respondents.

LISA GILL, J(Oral).

Petitioner, is aggrieved of order dated 03.08.2018, passed by the learned Rent Controller, Jalandhar, whereby her evidence was closed.

It is observed by the learned Rent Controller, Jalandhar, that despite availing 15 opportunities, petitioner did not conclude her evidence. Cost imposed upon the petitioner was not paid. In this view of the matter, petitioner's evidence was closed by order.

Aggrieved therefrom, present revision petition has been filed.

Learned counsel for the petitioner submits that it is only the cross-examination of the petitioner which is to be carried out. No other evidence is to be led by the petitioner. It is submitted that, in case the petitioner is not cross-examined, manifest injustice shall be indeed caused to the petitioner, who has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act (for short 'Act'), against the respondents. The petitioner, it is submitted could not come present for her cross-examination as she had to leave the country for some time, due to unavoidable circumstances beyond her control. It is submitted that the matter is listed before the learned Rent Controller, Jalandhar on 30.10.2019. In case, an

opportunity is afforded, the petitioner, it is submitted undertakes to remain present on the said date of hearing as well as on any other date as may be directed by the learned Rent Controller, Jalandhar. Learned counsel further submits that the petitioner can also be put to reasonable terms. It is thus prayed that the present revision petition be allowed.

Learned counsel for the respondents, however resists this petition and submits that despite numerous opportunities, petitioner did not come-forward to conclude her evidence neither were the cost imposed paid by her. Therefore, there is no justification whatsoever to allow this petition. It is thus prayed that the present revision petition be dismissed.

I have heard learned counsel for the parties and have gone through the file with their assistance.

It is the categoric stand of the petitioner that it is only the cross-examination of the petitioner which has to be conducted and no other evidence is to be led by the petitioner. It is a matter of record that the petitioner has filed a petition under Section 13 of the Act, seeking ejectment of the respondents from the demised premises. Needless to say, in case, cross-examination of the petitioner is not carried out, she would suffer an irreparable loss and shall be severely prejudiced.

In the given facts and circumstances of the case, it is considered just and expedient to afford one opportunity to the petitioner for conclusion of her evidence. The matter, it is informed is listed before the learned Rent Controller, Jalandhar on 30.10.2019. Accordingly, order dated 03.08.2018, passed by the learned Rent Controller, Jalandhar, is set aside and one effective opportunity is afforded to the petitioner to conclude her evidence. In case, the petitioner remains present before the learned Rent Controller, Jalandhar on 30.10.2019, her cross-examination be carried out. In case, for

some unavoidable circumstances, learned counsel for the respondents is unable to cross-examine the petitioner, one single effective opportunity shall be afforded by the learned Rent Controller, Jalandhar, in this regard. The petitioner, it is submitted undertakes to remain present on the date which may be fixed by the learned Rent Controller, Jalandhar, as well. Cross-examination of the petitioner, shall be permitted subject to deposit of ₹10,000/- as costs to be paid to the respondents. Additionally, a sum of ₹10,000/- directed to be deposited at the time of issuance of notice of motion as litigation expenses, is directed to be released to the respondents *qua* adequate proof of identity to be furnished by them. Needless to say the petitioner is not entitled to lead any other evidence in terms of the statement before this Court today.

Petition is accordingly disposed of.

16.10.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.