

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1536 of 2019

Date of Decision: 05.03.2019

Manjit Singh and another

.....Petitioners

Vs.

Harinder Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. A.P.S. Sandhu, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners challenge the order of the learned Rent Controller dated 02.11.2018, by which their evidence has been ordered to be closed, on the ground that, firstly, the attorney of petitioner no. 2, i.e. Gagandeep Singh, had not appeared to have his cross-examination completed despite the fact that many effective opportunities had been granted, including “last opportunities” ever since 21.02.2018, i.e. slightly over 08 months earlier.

Upon query as to the proceedings after the date of the impugned order was passed, the next date at that time having been shown to 14.11.2018, he submits that the impugned order was challenged by way of an appeal before the learned District Judge, Amritsar, which was dismissed on 31.01.2019, on the ground of it not being maintainable.

Thereafter, he submits that no evidence in rebuttal has been led by the respondents in the main case itself, i.e. the landlords, and the next date of hearing fixed before the Rent Controller is 08.03.2019.

That being so and the petitioner seeking only one opportunity to get the cross-examination of Gagandeep Singh conducted and for the evidence of petitioner no. 1 Manjit Singh to be led, this petition is allowed even without issuing notice, subject to payment of costs of Rs. 10,000/- to the respondents, and subject further to the condition that no further progress has actually taken place in the trial before the Rent Controller after 30.01.2019.

The learned Rent Controller shall give one opportunity only to the petitioners to conclude their evidence, failing which this order shall be treated to not have been passed. Of course such one time opportunity to conclude evidence would not include any time taken by the respondents to conduct cross-examination.

The impugned order is set aside in the aforesaid terms.

March 05, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes