

Civil Revision No.6172 of 2019

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

Civil Revision No.6172 of 2019  
Date of Decision: 27.09.2019

Abdulla

...Petitioner

Versus

Faqir Mohd.

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present:- Mr. Sunny K. Singla, Advocate, for the petitioner.

**RAMENDRA JAIN, J. (ORAL)**

Through this revision under Article 227 of the Constitution of India, tenant has laid challenge to order dated 03.09.2019 (Annexure P-6) of the Rent Controller, Malerkotla, whereby his application for recalling RW1 Mohd. Yameen for re-examination was dismissed.

Briefly, respondent filed eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 against the petitioner, wherein after framing of issues, respondent concluded his evidence in affirmative. On turn of the petitioner to lead his evidence in affirmative, he summoned Mohd. Yameen, alleged real brother of the respondent. Since, cross-examination of this witness by the respondent-landlord did not suit to the petitioner, therefore, he moved an application to re-examine him, which after hearing both the sides, was dismissed vide impugned order by the Rent Controller.

Learned counsel for the petitioner *inter alia* contends that Rent Controller failed to appreciate that under Section 138 of the Evidence Act,

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petitioner has right to re-examine his own witness, if some new facts came on record during his cross-examination.

Having given thoughtful consideration to the above submission, this Court finds the instant revision completely devoid of any merit for the simple reason that respondent-landlord claiming his title over the demised shop has filed eviction petition against the petitioner. Therefore, burden of proof is upon him to prove his ownership over the demised shop. In case, respondent-landlord fails to prove his ownership, in that eventuality, he would be non-suited by the Rent Controller. Thus, application filed by the respondent-tenant for re-examination of Mohd. Yameen has rightly been termed as abuse of process of law by the Rent Controller, besides filling up a lacuna.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioners has not been able to show any such infirmities in the impugned order of the Rent Controller.

No question of law much less substantial has been raised in this revision.

Dismissed.

**(RAMENDRA JAIN)**  
**JUDGE**

**September 27, 2019**  
**R.S.**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No