

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-83-2020(O&M)

Date of decision: 10.01.2020

Pardeep Kumar

.....Petitioner

Versus

Surinder Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sanjeev Roy, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

Tenant-petitioner is in revision against the orders passed by learned Rent Controller dated 10.10.2019 and 17.12.2019, which read as under respectively:-

“Order dated 10.10.2019

“Cost not paid. PW-3 Surinder and PW-4

Rohit come present for their cross-examination at 10:00 AM and but none has appeared on behalf of respondent for cross-examination of the witness. Then, case called at 11:00 PM, but none appearance on behalf of respondent. Then again case called at 12:00 PM and none has come present on behalf of respondent to cross-examine the said witnesses. Then witnesses were directed to appear at 2:00 PM. At 2:00 PM PW-3 Surinder and PW-4 Rohit again present,

but none has appeared on behalf of respondent at 3:00 PM. Case called again 3:00 PM witness PW-3 Surinder and PW-4 Rohit present, but none has come present. PW-3 Surinder and PW-4 Rohit present in the Court at 3:05 PM, since morning, but their cross-examination did not conduct by learned counsel for respondent. Even cost imposed upon respondent has not paid. In view of the above said fact, this Court deem not to fit further wait. As such, cross-examination of PW-3 Surinder and PW-4 Rohit were treated as nil.

Further, Surinder Kumar petitioner closed his evidence. Now to come up on 21.10.2019 for Rws.”

“Order dated 17.12.2019

Today the case was fixed for evidence of the respondent. But no RW come present in the court. Respondent has availed 6 opportunities to conclude his evidence but respondent has failed to conclude his evidence. In these circumstances, this court does not see any justification to adjourn the case further for evidence of the respondent. As such evidence of the respondent is closed by order. Now to come up on 19.12.2019 for arguments.”

It is apparent from the record that the tenant has been

delaying the decision of the case and misusing the indulgence being shown by the Court. Already six opportunities have been granted to the petitioner-tenant to conclude his evidence.

At this stage, learned counsel for the petitioner submits that petitioner would suffer serious prejudice and due to lack of communication with the counsel, the petitioner could not appear in evidence. He submits that if one opportunity is granted to the petitioner, he would appear and conclude his evidence. He submits that only petitioner-tenant wishes to appear and depose.

Keeping in view the facts of the case, although petitioner, does not deserve any indulgence, however, in the interest of justice, one more opportunity is granted to the petitioner-tenant to appear before the Rent Controller on the next date of hearing. On that date if the petitioner-tenant appears, he shall be permitted to be examined in evidence, subject to payment of costs of Rs.50,000/-, which shall be a pre-condition. The costs shall be payable to the landlord by way of demand draft.

Disposed of.

10.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No