

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

ASHOK KUMAR
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CR-2415-2021

Date of decision: 26.10.2021

RAMJI DASS THROUGH LR RAJIV GARG

..Petitioner

Versus

JAGJEET KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Bansal, Advocate for the petitioner.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner (tenant) has filed this revision petition assailing the correctness of the orders dated 17.02.2020 and 24.09.2021, respectively.

The learned Rent Controller has marked the further cross examination of Gurmeet Singh by the tenant's counsel as nil. It has been noticed that

Gurmeet Singh tendered his affidavit in examination in chief on 19.07.2019.

On the request of learned counsel representing the tenant, the case was

adjourned to 19.08.2019 for cross examination of Gurmeet Singh. The

counsel representing the tenant did not cross examine the witness on

19.08.2019 and on his request the case was further adjourned to 23.09.2019,

on the later date, the witness was partly cross examined. Thereafter, learned

counsel representing the tenant failed to cross examine the witness on

03.12.2019, 07.01.2020 and 17.02.2020. It is apparent that the petitioner

(tenant) has already been granted 5 opportunities to cross examine the

witness.

Learned counsel for the petitioner contends that in the pre-lunch session, the file was not available with the Rent Controller. The plea taken is against the record as the learned Rent Controller, in the pre-lunch session had passed the following order:-

“Witness Gurmeet Singh is present for cross examination but none has appeared on the behalf of respondent no.1. Let file be taken up after lunch.”

Keeping in view the aforesaid facts, the Rent Controller has closed the opportunity to further cross examine the witness. Moreover, as noticed above, the tenant has already been granted 5 opportunities, therefore, providing any further opportunity to cross examine the witness is not justified. Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

26.10.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE