

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.111

CR No.5436 of 2022

Date of Decision: 23.11.2022

Ved Parkash Sharma

.... Petitioner

Versus

Avtar Singh Gill

.... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed against the orders passed by the Rent Controller dated 04.11.2022 (Annexure P-1) and 14.10.2022 (Annexure P-2), whereby the petitioner/tenant's application dated 27.10.2022 (Annexure P-5) moved under inherent powers of the Rent Controller to first record the statements of all remaining witnesses of the respondent and thereafter that of the respondent as his own witness, has been dismissed.

2. It is apparent from the order passed by the Rent Controller on 14.10.2022 that one of the petitioner/tenant's witnesses, RW-1, was examined. Though respondent (petitioner herein) was present on that date, he did not testify. On request of his counsel, the case was adjourned to 27.10.2022 for recording his evidence, and also of three other witnesses of his, Surinderpal Singh, Om Prakash and Subhash Chander. It was

thereupon that the instant application dated 27.10.2022 (Annexure P-5) was filed.

3. The application has been dismissed by the Rent Controller by ordering that provisions of Order XVIII Rule 3A of CPC are not strictly applicable to the proceedings before the Rent Controller, and there is no dispute about it. It further needs to be noted that despite being present on the date when his witness, RW-2, was examined, the respondent/tenant did not step into the witness box for examination. Instead, requested for recording of his evidence on 27.10.2022. The prayer was granted. Still, he failed to get himself examined and filed the application in question, without pleading as to how he would be prejudiced by being examined before his own witnesses. In case the Controller has ordered that the petitioner/tenant is to be examined on a particular date, that too on his own request, no exception can be taken to it. The application does not appear to be *bona fide* and has been rightly rejected by the Controller.

4. Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

23.11.2022
Maninder

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