

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

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CR-7570-2019 (O&M)

Date of Decision : 29.11.2022

Gurjot Singh

....Petitioner

VERSUS

Rattan Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sumeet Jain, Advocate for the petitioner.

None for the respondent.

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ALKA SARIN, J. (Oral)

The limited prayer made by learned counsel for the petitioner in the present case is that a composite application was filed by the petitioner for recalling RW-1 Rattan Singh for further cross-examination and confronting him with the video recording or in the alternative the petitioner be permitted to adduce additional/rebuttal evidence.

Learned counsel for the petitioner would contend that vide the impugned order only the application for recalling the witness has been dealt with and no order has been passed qua leading of additional/rebuttal evidence. Learned counsel would further contend that he limits his prayer to the extent that no order has been passed on the prayer made in the application for leading of additional/rebuttal evidence.

Notice of the revision petition was issued to the respondent. However, despite notice, none has put in appearance on behalf of the respondent since 31.05.2022. In view thereof, the present petition is being decided *ex-parte*.

A perusal of the impugned order reveals that though the application for recall of the witness RW-1 for further cross-examination has been dismissed by the Rent Controller, however, the prayer made in the composite application (Annexure P-5) for permission to adduce additional/rebuttal evidence has not been touched upon.

I do not deem it fit to interfere in the impugned order dated 15.11.2019 to the extent where the application for recall of the witness RW-1 has been dismissed. However a perusal of the application and the impugned order reveals that no order has been passed qua the prayer made by the petitioner in the application (Annexure P-5) for adducing additional/rebuttal evidence. In view thereof the Rent Controller is directed to decide the prayer made in the application (Annexure P-5) qua adducing of additional/rebuttal evidence.

The revision petition is allowed to the limited extent mentioned above. Pending applications, if any, also stand disposed off.

It is made clear that any observation made herein shall not been treated as an expression of opinion on the merits of the case.

November 29, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO