

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

112

CR-1173-2023

Date of decision : 22.02.2023

Gopal Singh

... Petitioner

Versus

Shinderpal and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 01.02.2023 (Annexure P-3) whereby the counsel for the petitioner was permitted to withdraw his power of attorney and denied the opportunity to cross-examine the witnesses.

Learned counsel for the petitioner submits that the respondent/landlord had filed a petition for ejectment against Nirmal Singh, who is the father of the petitioner. During the pendency of the proceedings, Nirmal Singh expired and his legal heirs were impleaded. The petitioner along with other legal heirs had filed a joint written statement. In the memo of parties, the name of the petitioner has been inadvertently left out. He has referred to a copy of the amended title at Annexure P-3 wherein respondent No.1A-Jasvir Kaur (widow of Nirmal Singh), 1B-Rajinder Kaur and 1C-Balram Singh, who are sons of Nirmal Singh are mentioned. In the impugned order, there is reference to the petitioner by name as '1C' although in the Memo of parties, 1C is Balram Singh. The petitioner-Gopal Singh has been proceeded *ex parte* on the statement of his counsel on 01.02.2023. He further

submits that he had not given any such statement to the counsel. He, therefore, submits that due to this confusion, his counsel had withdrawn his power of attorney on his behalf. Three witnesses are to be cross-examined by other respondents on 27.02.2023 and the petitioner seeks an opportunity to cross-examine those witnesses on that date.

Heard.

The petitioner had been impleaded as one of the legal representatives of Nirmal Singh as respondent No.1 in the petition filed by the respondent/landlord for ejectment. He had also filed written statement along with other legal representatives which is on record. There appears to be discrepancy with regard to serial numbers of the respondents as to whether the petitioner is respondent No.1C or 1D, although against his name, respondent No.1C has been mentioned in the impugned order. As already noted above, respondent No.1C is the brother of the petitioner, namely, Balram Singh as described in the amended title. Three witnesses have been summoned for cross-examination on 27.02.2023 and the petitioner is seeking only an opportunity to cross-examine them. It would be in the interest of justice if the petitioner is permitted to join the proceedings and is afforded an opportunity to cross-examine those witnesses on that very day.

Consequently, the petition is allowed and the impugned order dated 01.02.2023 (Annexure P-3) is set aside. The petitioner-Gopal Singh would be permitted to join the proceedings and afforded an opportunity to cross-examine the witnesses, who have been summoned for cross-examination on 27.02.2023. However, it is made clear that the petitioner will not make any effort to delay the proceedings.

This order has been passed without issuance of notice to the respondents to avoid delay in proceedings before the Rent Controller. In the event of the respondents being aggrieved of the order, they would be at liberty to prefer an application in that regard.

(ANUPINDER SINGH GREWAL)
JUDGE

February 22, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No