

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4587-2023

Date of Decision: 11.8.2023

Arti Sharma

....Petitioner

VERSUS

Harbhajan Singh and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

This order will dispose of the present revision petition filed by the petitioner-tenant against order dated 6.7.2023 passed by the Court of learned Rent Controller/Civil Judge, Junior Division, Jalandhar whereby the application filed by the petitioner for recalling PW1-Harbhajan Singh (landlord) for his further cross-examination has been dismissed.

2. Counsel for the petitioner *inter alia* submits that the respondents have filed rent petition against the petitioner under Section 13 of East Punjab Urban Rent Restriction Act (in short, “the Rent Act”) wherein respondent No.1-Harbhajan Singh was examined as PW1. At that time, petitioner was not aware about the pendency of another rent petition filed by the respondent against one another tenant namely Vijay Kumar and that in the said rent petition, respondent No.1-Harbhajan Singh admitted that he has also got vacated one another shop adjoining to shop in question

and has also acquired some other commercial properties but all these facts were not disclosed by the landlord. Counsel for the petitioner further submits that the petitioner intends to further cross-examine respondent No.1 to confront him with his previous statement recorded in another rent petition to bring truth before the Court. Counsel for the petitioner further submits that the impugned order is liable to be set aside being not tenable.

3. I have considered the submissions made by the counsel for the petitioner.

4. It appears that learned Rent Controller passed the impugned order without going through the contents of statement of respondent No.1 recorded in the connected rent petition titled Harbhajan Singh v. Vijay Kumar in order to satisfy whether the said testimony has got any bearing on the present rent petition. The learned Rent Controller also failed to consider the fact that previous statement of respondent No.1 can be used only for the purpose to confront the witness with the same as per provisions of Section 145 of Evidence Act. In the given circumstances, the impugned order is liable to be set aside.

5. Consequently, the revision petition is allowed and the impugned order is set aside with direction to the learned Rent Controller to decide the matter afresh in accordance with law after going through the contents of statement of Harbhajan Singh-respondent No.1 which has been recorded in the connected rent petition titled Harbhajan Singh v. Vijay Kumar and to firstly satisfy whether the said statement has got any relevance/bearing in the present rent petition. The petitioner is directed to appear before the Court of learned Rent Controller on the date already fixed.

6. The present petition has been disposed of without issuing

notice to the respondents and in case, the respondents are aggrieved by this order, they can move an application for recalling of the same.

(KARAMJIT SINGH)
JUDGE

August 11, 2023

Paritosh Kumar

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