

CR-5941 of 2022

2023:PHHC:127504

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

CR-5941 of 2022

Date of decision: 29.09.2023

Inderpal Singh

.....Petitioner

Versus

Yash Vardhan Rishi

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Sanjeev Roy, Advocate,
for the petitioner.

Mr. Yash Vardhan Rishi, respondent in person.

NAMIT KUMAR, J.

1. Instant revision petition has been filed by petitioner-tenant under Article 227 of the Constitution of India challenging the order dated 22.11.2022 (Annexure P-5) passed by the Rent Controller, Jalandhar, in Rent Petition No.692/2017 titled 'Yash Vardhan Rishi v. Inderpal Singh' whereby application for permission to re-cross-examine PW-1 filed by the petitioner has been dismissed.

2. Brief facts of the case are that respondent-landlord filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of petitioner-tenant out of shop shown in red colour in the site plan measuring 20'6" x 24'6" situated in the area of New Railway Road, Jalandhar, forming part of Rishi Building. Petitioner-tenant filed written statement to the petition. After filing reply, issues

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were framed vide order dated 15.10.2018. Evidence of the respondent-landlord concluded on 29.07.2022. Petitioner moved an application for re-cross-examination of the respondent-landlord stating that respondent-landlord entered into compromise on 06.03.2002 and as per compromise shops have been reconstructed; all the expenses have been borne by the petitioner-tenant and possession of shop No.1 has been handed over to respondent-landlord to run his office of Advocate. It has further been stated that earlier when the respondent-landlord appeared as PW-1 for cross-examination, the petitioner-tenant was not in possession of the handwritten receipts of the respondent issued to M/s Royal Cycle Store and New Time Co. in terms of compromise deed dated 06.03.2002. Therefore, respondent-landlord could not be cross-examined qua this fact. The said application has been rejected by the Rent Controller, Jalandhar, vide impugned order dated 22.11.2022.

3. Respondent-Yash Vardhan Rishi has appeared in person in Court and has stated that he has no objection if he is ordered to be re-cross-examined. However, he submits that the trial is pending since the year 2017 and he is a senior citizen aged 72 years and is suffering from heart disease. He prays that some time-bound directions may be issued to the Rent Controller to conclude the trial at the earliest.

4. Heard.

5. In view of the above, impugned order dated 22.11.2022 (Annexure P-5) passed by Rent Controller, Jalandhar, is set aside and petitioner/tenant is granted one last effective opportunity to re-cross-examine the respondent-landlord on the date which shall be given by

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the Rent Controller. Rent Controller is further directed to conclude the trial within a period of six months after re-cross-examination of the respondent-landlord.

6. Disposed of.

7. Copy of this order be sent to concerned Court for information and necessary compliance.

29.09.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No