

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.1745 of 2024 (O&M)
Date of Decision: 02.04.2024

Sarabjit Singh
.....Revisionist-Petitioner.

Versus

Kamaljit Kaur
.....Respondent.

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. B.D. Sharma, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-tenant (here-in-after to be referred as ‘the tenant’) has laid challenge to the order (Annexure P-7) passed by learned Rent Controller, Amritsar on 09.01.2024 in ***Rent Petition No.166 of 2019*** titled as ‘***Kamaljit Kaur Vs. Sarabjit Singh***’, whereby the application (Annexure P-6) moved by him under Section 151 CPC with a prayer to recall the order passed on 11.04.2023 qua treating his opportunity to cross-examine AW1 and AW2 as ‘NIL’, has been dismissed.

2. I have heard learned counsel for the petitioner-tenant in this revision-petition, at the preliminary stage and have perused the file carefully.
3. Though, the tenant failed to cross-examine AW1 & AW2, i.e the witnesses examined by the respondent-landlady and the opportunity to cross-examine them on his (tenant’s) behalf, was ordered to be treated as ‘NIL’ but keeping in view the fact that if he is deprived of his valuable right to cross-

examine these witnesses for contesting/defending himself in the afore-referred Rent Petition, he shall suffer an irreparable loss which may further lead to/ result in mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if he is granted an opportunity to cross-examine both the above-said witnesses but subject to the payment of cost to the respondent-landlady.

4. Resultantly, without issuing notice to the respondent-landlady so as to avoid any further delay in the adjudication of the afore-mentioned Rent Petition and also to avert the expenses that she may have to incur to defend in the instant revision-petition, the impugned order Annexure P-7 and the above-referred order dated 11.04.2023 are set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned Rent Controller to afford only one opportunity to the tenant to cross-examine AW1 and AW2 but the payment of cost of Rs.30,000/- to the respondent-landlady shall be a condition precedent for doing so and in case of default on the part of the tenant in cross-examining both the afore-said witnesses or in payment of cost on the date as may be scheduled by the Rent Controller for this purpose, he shall not be entitled to any further opportunity for the above-said purpose.

5. However, it is also clarified here that in the eventuality of the respondent-landlady feeling aggrieved by this order, she shall be at liberty to move an appropriate application to contest the present revision-petition.

April 02, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>