



CR-6451-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(134)

CR-6451-2024

Date of Decision: - 06.11.2024

Sunil Kumar

....Petitioner

Versus

Bhavneet Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Prashant Bansal, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.09.2024 (Annexure P-3) passed by the Rent Controller, Kalka in RP No.15 of 2017 dated 21.07.2017 (Annexure P-1).

2. Learned counsel for the petitioner has very fairly submitted that there is some delay on the part of the petitioner in examining the witnesses, but has pointed out that a perusal of the zimni order dated 24.07.2024 would show that RW-1 was examined-in-chief and his cross-examination was deferred on the said date as the Court time was over and thereafter, on 08.08.2024 also RW-1 was partly cross-examined. It is stated that even a perusal of the impugned order dated 19.09.2024 would show that the said RW-1 had been fully cross-examined, but the evidence

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of the petitioner was closed. It is further stated that the petitioner wishes to examine two more witnesses and has thus prayed that one last effective opportunity be granted to the petitioner for the same and for the inconvenience caused, the petitioner is ready to compensate respondents No.1 and 2.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one effective opportunity to examine the witnesses, subject to reasonable costs and accordingly, the present revision petition is partly allowed and the impugned order dated 19.09.2024 (Annexure P-3) is set aside to the extent that the evidence of the petitioner has been closed by order, with the following directions: -

(i) Petitioner would produce the witnesses whom he wishes to examine on 07.11.2024, which is stated to be the next date of hearing and only the witnesses who are produced on 07.11.2024 would be permitted to be examined by the petitioner and due opportunities be granted to respondents No.1 and 2 to cross-examine the said witnesses.

(iv) The same would be subject to the petitioner depositing the cost of Rs.15,000/- on 07.11.2024 and on depositing the said amount, the trial Court is directed to release the said amount of Rs.15,000/- to respondents No.1 and 2 in equal share.

5. It is made clear that in case, the petitioner does not deposit the cost of Rs.15,000/- on 07.11.2024 and does not produce his witnesses

on 07.11.2024, the present revision petition would be deemed to have been dismissed.

6. It would be relevant to mention that notice of motion has not been issued to respondents No.1 and 2 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondents No.1 and 2 in order to defend the present petition. However, it would be open to respondents No.1 and 2 to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

November 06, 2024

naresh.k

(VIKAS BAHL)
JUDGE

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