

2024:PHHC:150043



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

141

CR-6672-2024 (O&M)
Date of decision: 18.11.2024

M/s Godsons Spinners Ltd. and another

...Petitioners

Versus

Subash Chander and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Prateek Sodhi, Advocate for the petitioners.

VIKAS SURI, J. (Oral)

1. Challenge in this revision petition under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949, is to order dated 21.10.2024, whereby the application moved by the tenant-petitioners under Order 18 Rule 17 CPC for recalling petitioners' witness AW-4 Rakesh Kumar, has been dismissed.

2. Learned counsel for the petitioners submits that vide order dated 28.08.2024, the tenant-petitioner No.2 was permitted to amend his written statement/reply subject to costs. Availing the opportunity granted, amended reply was filed whereafter, the respondent No.1-landlord has also filed replication to the written statement, wherein the amended pleadings have been admitted.

3. At this stage, Mr. Vipin Mahajan, Advocate, puts in appearance on behalf of the respondents and after having made a brief attempt to oppose the petition, accedes on instructions for grant of one opportunity to petitioner to cross-examine AW-4 Rakesh Kumar. It is though submitted that the said witness was cross-examined over eight



hearings running into 27 pages and it is apparent that the purpose is only to delay disposal of the main rent petition. It is further submitted that respondent No.1-landlord closed his evidence in affirmative vide order dated 26.05.2023 and thereafter, the petitioner No.2-tenant has only examined RW-1 Surinder Kumar as his witness.

4. Learned counsel for the parties are *ad idem* that in the light of the above, the instant revision petition be disposed of in terms of the consensus formed during the course of hearing and the petitioners be granted one opportunity to cross-examine AW-4 Rakesh Kumar on the aspect of the amended pleadings pursuant to order dated 28.08.2024. It is further submitted that proceedings before the Rent Controller are pending for 20.11.2024 and AW-4 Rakesh Kumar would present himself for cross-examination on the date already fixed.

5. Needless to observe that the rent petition was filed in the year 2019 and is still at the stage of respondents evidence; the Rent Controller would make endeavour to dispose of the same expeditiously, in accordance with law.

6. The revision petition is disposed of in the aforesaid terms.

November 18, 2024

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No