

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

Civil Revision No.7206 of 2023

Date of Decision: 01.12.2023

Shubh Rani & Anr.

...Revisionists-Petitioners

Versus

Ranjit Kaur Bajwa (since deceased) through
LRs & Others

...Respondents

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

Present:- Mr. Vipin Mahajan, Advocate,
for the revisionists-petitioners.

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MEENAKSHI I. MEHTA, J.(ORAL)

By filing the instant revision petition under Article 227 of the Constitution of India, petitioners-tenants No.1 & 2 (here-in-after to be referred as 'the petitioners') have laid challenge to the order (Annexure P-7) passed by learned Rent Controller, Batala (for short 'the trial Court') on 04.11.2023 in the ***Rent Petition No.60 of 2017*** titled as '***Ranjit Kaur Bajwa vs. Shubh Rani and ors***', whereby the application (Annexure P-5) filed by them (petitioners) under Order 18 Rule 17 read with Section 151 CPC with the prayer to recall AW6 Sukhdev Singh Bajwa, i.e one of the LRs of respondent No.1-landlady (since deceased and now, represented through her legal representatives), for his further cross-examination, has been dismissed.

2. I have heard learned counsel for the petitioners in the present revision petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the petitioners contends that respondent No.1-landlady had filed the above-mentioned rent petition for seeking the eviction of the petitioners and proforma-respondents No.2 to 6-tenants from the demised premises, on various grounds including the ground of her *bona-fide* personal necessity qua the same but in fact, besides the said premises, she exclusively owned several other commercial properties in the same vicinity, by virtue of the judgment and decree passed by the Court on the basis of the compromise arrived at between the co-owners and though the petitioners had applied on 24.08.2023 for obtaining the copy of the said compromise, so as to confront the afore-named AW6 therewith, during his cross-examination but as is explicit from the perusal of its copy (annexed at Page 72 in the paper-book), the same was supplied to them on 06.10.2023 and thus, it was not available with them on 06.09.2023 at the time of concluding the cross-examination of the above-said witness whereas it is necessary to cross-examine him (AW6) in respect of the afore-referred compromise because it will have bearing on the merits of the said rent (eviction) petition but the trial Court has erroneously dismissed their above-mentioned application vide the impugned order and it being so, this order deserves to be set aside.

4. Though the petitioners did not confront the afore-named AW6 with the above-said compromise during his cross-examination but keeping in view the fact that in case, they are deprived of their valuable right to do so by recalling this witness, they would suffer an irreparable loss that 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 they (petitioners) are afforded one more opportunity to cross-

examine AW6 by recalling him but subject to the payment of cost to the LR's of respondent No.1-landlady.

5. Resultantly, without issuing notice to the LR's of respondent No.1-landlady so as to avoid any further delay in the trial of the afore-said Rent Petition and also to avert the expenses that they (LR's) may have to incur to defend in this petition, the impugned order dated 04.11.2023 is set-aside and the revision petition in hand is, hereby, disposed of with a direction to the trial Court to afford only one opportunity to the petitioners to further cross-examine the above-named AW6 by recalling him in the afore-referred Rent Petition but the payment of cost of Rs.10,000/- shall be a condition precedent for doing so and in case of default on the part of the petitioners in availing the above-said opportunity or in payment of cost on the date as may be scheduled by the trial Court, they shall not be entitled to any further opportunity for the afore-mentioned purpose.

6. However, it is further clarified here that in the eventuality of the LR's of respondent No.1-landlady feeling aggrieved by this order, they shall be at liberty to move an appropriate application to contest the instant revision petition.

01.12.2023
Seema

(MEENAKSHI I. MEHTA)
JUDGE

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