

(123) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2651-2026

Date of Decision: 23.03.2026

M/S GANESH CLOTH HOUSE AND ANOTHER

...Petitioners

Vs.

RAVISH KUMAR MALHOTRA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Vipin Mahajan, Senior Advocate with
Mr. Randeep Singh, Advocate
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking quashing of the order dated 12.02.2026, whereby the application filed by Respondent Nos. 1 to 3 for recall of the order dated 28.01.2026 was allowed, and Ravish Kumar Malhotra was permitted to offer himself for cross-examination.

2. Briefly stated, Respondent Nos. 1 to 3 (who are the petitioners in the present proceedings) instituted an ejectment petition seeking eviction from the demised premises. The petitioners/defendants entered appearance and contested the said petition. Issues were framed vide order dated 07.08.2025. Thereafter, the respondents were afforded more than twenty-five opportunities to lead their evidence, including opportunities granted subject to costs, including a last opportunity. However, despite repeated opportunities, they failed to conclude their evidence. Consequently, vide order dated 28.01.2026, the evidence of the respondents/petitioners was closed. Subsequently, the respondents filed an application dated 02.02.2026 seeking recall of the order

dated 28.01.2026. In support of the application, they annexed a medical document purporting that Respondent No. 1 had suffered a soft tissue injury on the right leg and had been advised rest. The said application was contested by the present petitioners. Upon consideration, the learned Court below allowed the application vide the impugned order dated 12.02.2026, subject to costs of ₹500/-. Aggrieved by the said order, the present revision petition has been filed challenging its legality and validity.

3. I have heard counsel for the petitioners and have gone through the record carefully.

4. Learned counsel for the petitioners contended that the medical certificate produced by the respondents is false, fabricated, and a procured document, and therefore, no reliance can be placed upon the same. It is submitted that the said certificate is not supported by any contemporaneous treatment record, X-ray report, or medical bills evidencing purchase of prescribed medicines. It is further argued that no affidavit of the concerned medical officer has been placed on record to substantiate the genuineness of the alleged ailment or to establish the veracity of the certificate relied upon by the respondents. In the absence of such supporting material, the document is rendered unreliable and cannot be treated as a valid ground for seeking recall of the order. Learned counsel further contended that the respondents have already been granted more than twenty-five opportunities to lead their evidence, including opportunities subject to costs, which clearly demonstrates repeated non-compliance and dilatory tactics adopted by them. Despite such repeated indulgence, they failed to avail the opportunities granted to them in accordance with law. In these circumstances, it is submitted that the learned

Rent Controller was not justified in allowing the application for recall of the order dated 28.01.2026, as the same amounts to granting undue indulgence and effectively reopening the case without any sufficient or bona fide cause being shown.

5. As per the order dated 28.08.2025, AW-1 Ravish Kumar Malhotra was examined-in-chief, and his cross-examination was deferred at the request of the counsel for the petitioners/respondents. Thereafter, despite being granted multiple opportunities, the respondents/petitioners failed to conclude their evidence. Consequently, their evidence was ordered to be closed. By the impugned order, the learned Rent Controller allowed the application and granted one opportunity to the petitioner to be cross-examined, observing that denial of such opportunity would cause serious prejudice to his interest. The said liberty was granted in the interest of justice.

6. Learned counsel for the petitioner, however, contended that the application is supported by a false and fabricated medical certificate, and that there is no material on record to substantiate the same. It is submitted that the document relied upon is unsupported by any cogent evidence and, therefore, could not have been made the basis for allowing the application.

7. In the present case, the learned Rent Controller has exercised the discretion vested in him and has allowed one opportunity to the respondents/petitioners to produce and present Ravish Kumar Malhotra for cross-examination. It is pertinent to note that the said witness had already been examined-in-chief, and his cross-examination was deferred at the request of the counsel for the petitioners/respondents. In the interest of justice, the respondents/petitioners, along with their application, placed on record a

medical certificate issued by Dr. Anshu Mittal, MBBS, MD, certifying that Ravish Kumar Malhotra was suffering from a soft tissue injury on his right leg and had been advised rest for a period of three days, i.e., from 27.01.2026 to 29.01.2026. The mere fact that no other supporting documents, such as treatment records, or the affidavit of the concerned medical officer, were annexed with the said certificate does not, by itself, render the exercise of discretion by the learned Rent Controller arbitrary or illegal. It is well settled that rent proceedings are required to be adjudicated expeditiously, and the Rent Controller is not expected to embark upon a detailed enquiry or conduct a mini trial to ascertain the veracity of such medical certificates at the stage of considering an application of this nature. Instead, the learned Rent Controller has adopted a pragmatic approach by balancing the competing interests and, in the interest of justice, has granted a limited and effective opportunity to the respondents/petitioners to produce the witness for cross-examination, subject to appropriate conditions.

8. In these circumstances, the impugned order cannot be said to be arbitrary, capricious, or suffering from any material irregularity. No jurisdictional error or infirmity is made out warranting interference by this Court in exercise of its supervisory jurisdiction. Accordingly, the present petition is dismissed.

(VIRINDER AGGARWAL)
JUDGE

23.03.2026

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*