

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

(131)

CR-3003-2026 (O&M)

Date of Decision:-07.04.2026

JASPAL SINGH

... Petitioner

Versus

BALDEV SINGH

... Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. By way of the present petition under Article 227 of the Constitution of India, the petitioner has assailed the orders dated 20.03.2026 and 16.07.2024 passed by the learned Rent Controller, Batala (hereinafter referred to as the “learned Trial Court”), whereby the application filed by the petitioner (respondent before the learned Trial Court) for summoning, recalling, and cross-examining witnesses, namely AW-1 Baldev Singh and AW-2 Harmandeep Singh, has been dismissed.

2. Learned counsel for the petitioner submits that AW-1 Baldev Singh and AW-2 Harmandeep Singh were examined-in-chief on 24.11.2023. Thereafter, vide order dated 16.07.2024, the learned Trial Court observed that the evidence of the said witnesses stood concluded in view of the adjournments earlier sought by the petitioner. Subsequently, an application for recalling the aforesaid witnesses for the purpose of cross-examination was filed, which came to be dismissed vide impugned order dated 20.03.2026.

3. It is further contended that the adjournment sought earlier was on account of the demise of a relative of the petitioner’s counsel, which fact was not duly appreciated by the learned Trial Court. Consequently, the evidence of AW-1

and AW-2 was erroneously treated as complete. It is, therefore, prayed that one effective opportunity be granted to the petitioner to cross-examine the said witnesses and the impugned orders be set aside.

4. I have heard learned counsel for the petitioner and have carefully perused the impugned orders as well as the record of the case.

5. A perusal of the impugned order dated 20.03.2026 reveals that on 24.11.2023, AW-1 Baldev Singh and AW-2 Harmandeep Singh tendered their affidavits in evidence, exhibited as Ex. PW1/A and Ex. PW2/A, respectively, and their cross-examination was deferred at the request of counsel for the petitioner. The matter was thereafter adjourned from time to time.

6. On multiple subsequent dates, including 21.01.2024, 06.03.2024, 18.03.2024, and 24.04.2024, the said witnesses remained present before the learned Trial Court for the purpose of cross-examination; however, the petitioner failed to avail the said opportunities for various reasons, including non-appearance of counsel. Despite the grant of last opportunity and imposition of costs, the petitioner did not cross-examine the witnesses. Ultimately, vide order dated 16.07.2024, the learned Trial Court treated the cross-examination of AW-1 and AW-2 as 'Nil'. Consequently, no illegality or perversity is made out warranting interference by this Court in the exercise of its revisional jurisdiction.

7. Learned counsel for the petitioner contended that in the interest of justice, one opportunity be granted to the petitioner as the litigations are required to be adjudicated on merits and not on technicalities. No prejudice would be caused to the respondent, if petitioner is allowed to cross-examine AW1 and AW2 and for delay caused, respondents can be compensated by award of cost.

8. Considering all the facts and circumstances, I am of the considered opinion that interest of justice would be met if the petitioner is allowed to cross-examine AW-1 namely Baldev Singh and AW-2 namely Harmandeep Singh by grant of one effective opportunity subject to the payment of cost of Rs.50,000/-. Out of the total cost, Rs.10,000/- be paid to each of the witnesses, Rs.20,000/- to the respondent and Rs.10,000/- to be deposited with District Legal Services Authority, Batala. Impugned orders dated 20.03.2026 and 16.07.2024 are hereby set aside qua petitioner.

9. Petition stands disposed of accordingly.

10. As a natural corollary, since the main cases stand disposed of, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

07th April, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

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