

(2010) 11 P&H CK 0428

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 7453 of 2010 (O and M)

Ashok Kumar and
Another

APPELLANT

Vs

Paramjit Singh and
Others

RESPONDENT

Date of Decision: Nov. 16, 2010

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 6 Rule 17

Hon'ble Judges: Kanwaljit singh ahluwalia, J

Bench: Single Bench

Judgement

Kanwaljit singh ahluwalia, J.

Tenant-Petitioners field an application under Order 6 Rule 17 CPC, which was rejected by the Rent Controller, Sangrur. Aggrieved against the same, the Petitioners filed Civil Revision No. 7452 of 2010 in this Court, which has been dismissed as withdrawn vide a separate order of even date.

2. Counsel for the Petitioners states that a request was made to the Rent Controller to postpone the cross-examination of Parveen Kumar, as he intended to file a revision against refusal of the application under Order 6 Rule 17 CPC. Counsel states that this request was not accepted by the Rent Controller and his evidence was closed.

3. After hearing counsel for the Petitioners, this Court is of the opinion that principle of fair play and balance of equities demand that due opportunity ought to be granted to the tenant to conclude his evidence and since he has tendered his evidence, he should be cross-examined. Accordingly, order dated 8th November, 2010 passed by the Rent Controller, Sangrur is hereby set aside and the Rent Controller, Sangrur is directed to grant one opportunity to the tenant to conclude his evidence. Counsel for the Petitioners further states that the tenant only intends

to examine Parveen Kumar as his only witness and he has already tendered his affidavit. In these circumstances, the Rent Controller shall afford an opportunity to the landlord to cross-examine Parveen Kumar on the next date of hearing.

With the observations made above, present petition is disposed of.