

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

118

Civil Revision No.8151 of 2015(O & M)  
Date of Decision:02.12.2015

Paramjit Singh

....petitioner

Versus

Saroj Sareen

.....respondent

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI**

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.B.D.Sharma, Advocate  
for the petitioner

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**ARUN PALLI, J.(ORAL):-**

Vide order being assailed, dated 24.08.2015, rendered by Rent Controller, Amritsar, petitioner-tenant had since been denied the right to cross examine the landlord Saroj Sareen. The order dated 24.08.2015 reads as thus:

***“PW1 to PW4 present today. However, the witnesses are not cross examined on behalf of the respondent. Earlier the learned counsel had appeared and undertaken to cross examine the witness, however, the learned counsel failed to appear subsequently. The witnesses Saroj Sareen and Ram Krishan Bhatia are Senior Citizens allegedly suffering from various ailments. There is no ground to await the appearance of learned counsel for the respondent in this regard. The cross examination of PW Saroj Sareen is treated as nil***

***and cost of Rs.1000/- is imposed upon the respondent for not conducting the cross examination of the remaining witnesses.....”***

Ex facie, the petitioner has been extremely negligent and remiss in pursuing his cause but it shall equally be true that in case, he is not afforded one effective opportunity cross examine Saroj Sareen-landlord, he shall not only suffer an incalculable loss but that might also result in miscarriage of justice as well. As regards the inconvenience and the delay caused, respondents could always be compensated by awarding a suitable costs.

That being so, the order dated 24.08.2015 is set aside, and without issuing any notice to the respondent to avert any further delay and the expenses that she shall have to incur to defend these proceedings, the petition is disposed of, in the following terms:

1. Petitioner-tenant shall be granted only one effective opportunity to cross examine Saroj Sareen on the date that shall be fixed by the trial Court, in this regard.
2. In the event, the petitioner-tenant fails to cross examine the said witness on the designated date, her cross examination shall be declared nil and no further adjournment shall be granted.
3. This, however, shall be subject to payment of costs of ₹ 20,000/-, which shall be condition precedent.

02.12.2015  
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**(ARUN PALLI)**  
**JUDGE**