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CR-3168-2026

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

CR-3168-2026

Date of Decision: 21.04.2026

GOPAL KRISHAN

..... Petitioner

Versus

JAGDEEP SINGH

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Jai Bhagwan, Advocate for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

1. This petition has been instituted against the order dated 02.03.2026 passed by the learned Rent Controller, Malerkotla, vide which the application moved by the petitioner-tenant for recalling the respondent-landlord (Jagdeep Singh) for further cross-examination has been declined.

2. As per version of petitioner/tenant, respondent has filed an ejectment petition seeking eviction of the petitioner on the ground of *bonafide* personal requirement. However, subsequent to the conclusion of the respondent's cross-examination, certain new facts and documents regarding an advertisement and photographs showing the respondent to be running a business under the name and style of "Namdhari Sewing Machine Works" came to the petitioner's notice and the recall of the witness is thus essential to prove that the respondent's alleged necessity is projected and false.

3. Respondent-landlord in his reply submitted that petitioner was granted sufficient opportunity to cross-examine the witness. PW-1 appeared and his cross-examination was conducted at length on three different dates on 16.12.2024, 05.05.2025, and 26.05.2025 and the



application for recall has been filed on 28.01.2026 at the stage of rebuttal evidence after an unexplained delay, merely to fill up the lacunae and to linger on the proceedings.

4. I have considered the submissions made by learned counsel for the petitioner.

5. A perusal of the record shows that the respondent was cross-examined on three separate dates. During these sessions, the petitioner had ample opportunity to question the respondent regarding his alleged business interests, and in fact, questions regarding the running of the shop under the name of "Namdhari Sewing Machine Works" were specifically put to the witness during the cross-examination. Furthermore, the application for recall has been filed after the respondent had closed his oral evidence and when the case was at the stage of rebuttal evidence.

6. In view of the above, this Court finds that sufficient opportunity has been granted to the petitioner to cross-examine the respondent. The power to recall a witness is to be exercised for just decision of the case and not to enable a party to fill up lacunae in their case at a belated stage. The impugned order passed by the learned Rent Controller, thus, does not suffer from any illegality or manifest error so as to warrant interference.

7. Resultantly, the present petition is dismissed.

8. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

21.04.2026

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No