



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

(126)

CR-2741-2026 (O&M)
Date of Decision: **30.04.2026**

BALI SHARMA

... Petitioner

Versus

PARKASH DEV DHANKHAR AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner invokes the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, assailing the legality and propriety of the orders dated July 7, 2025, and December 2, 2023. By way of the impugned orders, the learned Rent Controller erroneously closed the petitioner's right to cross-examine PW-1, treating the said cross-examination as 'Nil'.

2. The respondent-landlord instituted an eviction petition under the Haryana Urban (Control of Rent and Eviction) Act, 1973, seeking ejection of the petitioner from the demised premises. Upon the settlement of issues, the matter was posted for respondent-plaintiff's evidence. While PW-1 was produced for testimony, the petitioner's counsel was precluded from appearing due to a resolution by the Bar Association to suspend work. Consequently, the matter was adjourned to



December 1, 2023. On the adjourned date, the respondent moved an application seeking either the immediate commencement of cross-examination or, in the alternative, reimbursement of airfare expenses incurred by the witness. Following the recording of the examination-in-chief, the matter was posted for the following day.

2.1. On December 2, 2023, the learned Rent Controller passed the impugned order treating the cross-examination as 'Nil.' A subsequent application moved by the petitioner for the recall of PW-1 for the purpose of cross-examination was contested and ultimately dismissed by the learned Rent Controller. Aggrieved by this perceived miscarriage of justice, the petitioner prefers the instant revision. .

3. Learned counsel for the petitioner strenuously contended that the impugned orders passed by the learned Rent Controller are legally infirm and warrant being set aside. It was submitted that the learned Court failed to appreciate the extenuating circumstances which precluded the petitioner's counsel from conducting the cross-examination. Specifically, the Bar Association had resolved to suspend work, creating a professional impasse where the counsel's appearance would have invited a punitive fiscal penalty of ₹11,000/-. Thus, the failure to cross-examine was neither intentional nor contumacious but was necessitated by unavoidable professional constraints.

3.1. Furthermore, regarding the direction for reimbursement of airfare for PW-1, counsel argued that such a burden is misplaced. It is a settled expectation that a witness must verify the status of court proceedings and the likelihood of their testimony being concluded before



finalizing travel arrangements. In the instant case, the respondent unilaterally booked a return flight to Austria for December 5, 2025, without seeking the prior leave of the Court or providing due intimation to the opposing party. Absent such prior judicial sanction or mutual consensus, the petitioner cannot be held liable for the costs of a return journey undertaken at the witness's own peril.

4. I have solicitously considered the oral submissions advanced by the learned counsel for the petitioner and have conducted a minute scrutiny of the paper-book.

5. A perusal of the impugned order dated December 2, 2023, reveals a pertinent factual matrix: the respondent-plaintiff traveled from Austria to India specifically to depose in the underlying rent petition. Records indicate that on November 29, 2023, the witness was present; however, due to the non-appearance of the petitioner-defendant, the proceedings were adjourned to December 1, 2023. On the adjourned date, the examination-in-chief was duly tendered. The petitioner was explicitly apprised that the witness had secured a return passage for December 5, 2023, and that any failure to conclude the testimony would result in the forfeiture of the airfare, valued at €613.35 (Euros), the proof of which was placed on record.

6. In response, the petitioner contended that the counsel's absence was necessitated by a work suspension resolved by the District Bar Association, requesting that the testimony be deferred to December 4, 2023. While the learned Court below leaned in favor of the petitioner by granting an adjournment to December 2, 2023, the petitioner again failed



to conduct the cross-examination on that date, thereby precipitating the passage of the impugned orders.

7. It is undisputed that the respondent-plaintiff undertook international travel from Austria to satisfy his evidentiary obligations and remained available before the learned Rent Controller across three separate hearings, namely November 29, 2023, December 1, 2023, and December 2, 2023. The learned Rent Controller afforded the petitioner three distinct opportunities to exercise the right of cross-examination. The petitioner's reliance on a Bar Association strike as a justification for non-participation does not warrant the exercise of this Court's supervisory jurisdiction.

8. The Hon'ble Apex Court has categorically held that the abstention from court work by advocates is legally impermissible. Given the exigency specifically the witness's imminent departure to Austria the learned Rent Controller provided the maximum possible latitude to the petitioner. The judiciary is duty-bound to maintain an equitable balance between the parties. Where a party fails to cross-examine a witness despite being fully cognizant of the peculiar and urgent circumstances, and does so on the legally untenable pretext of a strike, no justifiable ground for interference exists. Consequently, this petition, being devoid of merit, is hereby **dismissed**.

9. It is clarified that the observations recorded here-in-above are strictly confined to the adjudication of the present revision and shall not be construed as an expression of opinion on the substantive merits of the underlying dispute. Nothing stated herein shall prejudice the rights, claims,



or contentions of either party during the final adjudication of the main matter by the learned Court below.

10. In view of the final disposal of the principal revision petition, all pending miscellaneous applications are rendered infructuous and stand disposed of accordingly. No further orders are necessitated in this regard.

30.04.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No