

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.4222 of 2015 (O&M)  
Date of Decision.05.08.2015

Om Parkash Thakral

.....Petitioner

Versus

Suraj Kumar

.....Respondent

Present: Mr. Surinder Singh Virk, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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

-. -

**K. KANNAN J. (ORAL)**

1. The petitioner's grievance is that if the defendant has paid the rent upto date, the period understood is only as rent paid upto the filing of the suit and subsequently he has not paid the rent. The plaintiff moved an application under Order 15 Rule 5 CPC for striking off the defence of defendant for failure to deposit the rent. The Court below dismissed the application on the ground that the defendant has already filed the written statement and the present application was moved after the issues were framed and the case was fixed for evidence of the plaintiff. Against this order, the plaintiff is in revision before this Court. The landlord is competent to file an application pointing out to the fact of non-payment of rent subsequent to the filing of the written statement and the Court below ought to have ensured that the rent is paid and if it was not paid, the Court must have taken an appropriate decision with regard to the same.

2. The plaintiff is at liberty to move a fresh application and if

such an application is filed, the Court may consider whether the defendant has paid the rent or not and will pass appropriate orders in accordance with law. I dispense with notice to the respondent and remit the matter back to the Court for fresh consideration on the application filed by the plaintiff.

3. The revision petition is allowed.

(K. KANNAN)  
JUDGE

August 05, 2015  
Pankaj\*