

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

CR No.4748 of 2015

Date of decision : July 30, 2015

M/s Bata India Limited

..... Petitioner

Versus

Jagtar Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate
for the petitioner.

Mr. Sharan Sethi, Advocate
for caveator/respondent.

GURMIT RAM, J.

1. This revision petition is preferred by the tenant (petitioner herein) against the impugned order dated 07.07.2015 (Annexure P-5) and zimni order of the same date (Annexure P-7) vide which the case has been fixed for rebuttal and arguments.

2. At the time of the arguments, the learned counsel for the petitioner-tenant has contended that he does not press this revision, so far as it relates to impugned order (Annexure P-5) dated 07.07.2015, so as such

this revision petition to this extent stands disposed of being not pressed.

3. So far as the impugned order (Annexure P-7) dated 07.07.2015 is concerned, learned counsel for the petitioner-tenant has contended that this order is not tenable in the eyes of law being against the record of the case. In support of his contention, he has drawn the attention of this Court towards the zimni orders (Annexure P-8) passed by learned Rent Controller in this case. Statement of RW-2 was recorded on 18.02.2015, and on this date an application under Order 6 Rule 17 CPC was filed for amendment of the written statement and the case was adjourned to 04.03.2015 for filing reply to the said application and for remaining RWs, if any. This application remained pending till 07.07.2015 on which date it was disposed of vide order (Annexure P-5). In the impugned zimni order Annexure P7 dated 07.07.2015 it was recorded as under:-

“Vide my separate detailed order of even date the application under Order 6 Rule 17 CPC for amendment of written statement is dismissed. To come up on 17.07.2015 for rebuttal and arguments.”

4. The grievance raised by learned counsel for the petitioner-tenant is that case was fixed at the stage of his remaining evidence on the date, when application under Order 6 Rule 17 CPC was filed. Thereafter, neither the petitioner herein (tenant) closed his evidence at his own nor the Court passed any order to close his evidence by order. It is also his contention that petitioner herein (tenant) is yet to lead some more evidence and as such, in these circumstances, the impugned order (Annexure P-7) is not sustainable.

5. As per the record, the above contention of learned counsel for

the petitioner herein (tenant) is held to be correct. So this revision petition so far as it relates to impugned order dated 0707.2015 (Annexure P-7) is accepted and this order is set aside to this extent.

6. Learned Rent Controller, Chandigarh is directed to grant more opportunity to the petitioner herein (tenant) to lead his remaining evidence in this case whichever is found reasonable in the light of circumstances of the present case as per law. So this revision petition stands partly accepted and partly dismissed as ordered above and the same is disposed of accordingly.

7. Parties are directed to appear before the learned Rent Controller, Chandigarh concerned on 10.08.2015.

A copy of this order be sent to the quarter concerned for compliance.

July 30, 2015

Gaurav Sorot

**(GURMIT RAM)
JUDGE**