

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

C.R. No.4945 of 2015

Date of Decision.06.08.2015

United India Insurance Company Limited

.....Petitioner

Versus

Kamaljit Kaur Ruprai

.....Respondent

Present: Mr. D.R. Bansal, 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?

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K. KANNAN J. (ORAL)

1. The civil revision is against an order passed declining an amendment to petition for leave to defend filed by a tenant. The petition appears to have been filed on 13.09.2012 and the Rent Controller has taken three years to dispose of the application. It makes a travesty of justice that the consideration of application for leave to defend must take three years for a Court to decide. The leave to defend is provision for a Court to examine that if the defence sought to be projected is moon shine or without adequate legal basis, the Court shall decline the leave and proceed to pass further orders for eviction. If the Court was rejecting a prayer for leave to defend that decision must have been taken immediately and the application for leave to defend itself must have been considered immediately.

2. I thought for a while if notice in civil revision would be appropriate only for Court to re-examine the issue of the error in

description of property claimed by the landlord and the particular property which according to the tenant he is in possession of. It will result in further delay and this Court will ultimately make way for a further delay in disposal only for consideration of whether an application for amendment of the leave to defend could be considered or not. It will stagger the disposal of the application for leave to defend.

3. Under the peculiar circumstances, I dispense with notice, set aside the order and direct the consideration of the application for leave to defend along with the amendment sought to be made and the Court will consider both of them since the objection is with reference to the description of the property which the landlord claims is the property in possession of the tenant which the defendant denies. This issue shall be considered by the Court while considering the application for leave to defend.

4. With this liberty, I dispose of the civil revision.

(K. KANNAN)
JUDGE

August 06, 2015
Pankaj*