

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

123

**Civil Revision No.5169 of 2015
Date of Decision:14.08.2015**

Gajraj Singh

....petitioner

Versus

Santokh Singh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.Pritam Saini, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed dated 16.07.2015, rendered by Rent Controller, Chandigarh, prayer of the petitioner-tenant for framing of an additional issue has since been rejected.

Concededly, the eviction of the petitioner is being sought on account of non payment of rent and personal necessity. Claim of the landlord was predicated upon a rent agreement dated 17.03.2005 that was purported to have been executed between the parties. Petitioner-tenant, in defence, denied the execution of the said rent agreement and the same was alleged to be a forged and fabricated document. Vide an application under Order 14 Rule 5 CPC, petitioner prayed that the issue as regards the execution and validity of the rent agreement dated 17.03.2015 was crucial, and, thus be framed.

Learned Rent Controller, on an analysis of the matter in issue, declined the prayer and concluded as thus:

There is no requirement to give notice of this application as this application is not maintainable. A bare perusal of the file shows that on 28.08.2014, when the issues were framed, issue No.1 was framed to the effect that “Whether the respondent is liable to be evicted from the demised premises on the grounds mentioned in the petition? This issue is a wide issue and imbibe all the contentions of the parties and contentions of the parties regarding personal necessity and non-payment of rent would be decided under this issue at the time of final arguments and judgement would be passed on this point also. The present application stands disposed of. Now the case is adjourned to 23.07.2015 for evidence of the respondent. This shall be last opportunity.

Ex facie, the issues were framed on 28.08.2014. Petitioner was fully conscious of the claim set out in the eviction petition by the respondent-landlord and that is how in defence, he denied the execution of the rent agreement dated 17.03.2005 and maintained that the same was a forged and fabricated document. If at all, a separate and a formal issue as regards the veracity of the rent

agreement dated 17.03.2005 was indeed crucial, petitioner could always claim such an issue and Rent Controller would have considered the prayer while framing the issue dated 28.08.2014. The application moved by the petitioner, at this stage, is apparently to delay and derail the proceedings and thus, lacks bona fides. In any case, the Rent Controller, observed that issue No.1 was wide and comprehensive and imbibes all the contentions of the parties as regards the personal necessity and non payment of rent and thus, would be duly considered at the time of final arguments.

Learned counsel for the petitioner could not point out as to how the conclusions that have been arrived at by the Rent Controller are either contrary to the position on record or erroneous in law. That being so, no interference in exercise of revisional jurisdiction under Article 227 of the Constitution of India, is warranted. The petition being devoid of merit is accordingly dismissed.

14.08.2015

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(ARUN PALLI)
JUDGE