

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Civil Revision No. 5481 of 2014 (O&M)**

**Date of decision : January 16, 2015**

M/s Tara Chand Industries Limited

... Petitioner

vs.

Mr. Balbir Pal Dandyan and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Ms. Aarti, Advocate for  
Mr. Siddharth Sanwaria, Advocate  
for the petitioner.

**Surinder Gupta, J**

Heard.

Respondents have filed an ejectment petition against the revision petitioner wherein issues have been framed as follows :-

1. *Whether the respondent is liable to be evicted from the demised premises on the ground of personal necessity as alleged in the petition?OPP*
2. *Whether the suit is not maintainable?OPR*
3. *Whether the petitioner has suppressed the true and material facts from the court, if so to what effect?OPR*
4. *Whether the petition is pre-mature?OPR*
5. *Relief.*

Vide application dated 30.10.2013, the revision petitioner sought the framing of additional issues 4 (a) to 4 (c), to following effect:-

- 4.A *Whether after execution and registration of lease deed dated 24.06.2003, an another agreement was reduced into writing between the parties if so its effect?OPR*
- 4.B *Whether the respondent paid a sum of ₹4,00,000 (Four lacs only) to the petitioner No.1 and Smt.Asha Dandyan as security vide cheque No.548767 dated 26.06.2003, if so its effect?OPR*

*4.C Whether Smt. Asha Dandyan and petitioner No.1 let out the premises in question for a further period of two years starting from 01.10.2013 to 30.09.2015 at the rate mentioned in para No.7 of the preliminary objections in the written statement? OPR*

The application was declined by the Rent Controller with the observations that issues sought to be framed are covered under issue No.4 already framed in this case.

I have heard learned counsel for revision petitioner.

It has been argued that the purpose of seeking framing of additional issues No.4 (a) to 4 (c) was to prove lease deed and extension of period of lease up to 30.9.2015. The respondent has already taken plea in the written reply that the lease was extended up to 30.9.2015 as such the petition for ejectment could not be filed before expiry of that period.

There is already issue No.4 framed by the Rent Controller under which the revision petitioner can lead evidence to prove that the petition filed by the respondents is pre-mature.

In view of the above, the Rent Controller has committed no error of law or fact while declining the application.

This revision petition has no merits.

Dismissed.

**(Surinder Gupta)**  
**Judge**

January 16, 2015  
*deepak*