

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

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**Civil Revision No.6194 of 2015(O & M)
Date of Decision:19.09.2015**

M/s Blitz Communications

....petitioner

Versus

Ramesh Chander

.....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?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Gitish Bhardwaj, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order being assailed, dated 04.09.2015, rendered by Rent Controller, Chandigarh, application of the petitioner-tenant, for framing additional issue, has since been dismissed.

In an application moved by the petitioner, it was maintained that the premises in question had since been resumed, the respondent would no longer be the owner of the building, as the same vests with the Estate Officer, Chandigarh, and, thus, an issue in this regard, would be extremely crucial and be framed.

In response, it was averred that the order of resumption has been set aside by this Court, and, after restoration, the resumption proceedings were never initiated, with respect to the building in question, and, thus, the application be dismissed.

On a consideration of the matter in issue, the Rent

Controller declined the prayer for framing the additional issue and concluded as thus:

After hearing the parties and from the case file, it is revealed that the present application has been filed by the applicant/tenant/respondent when the case was fixed for final arguments. If he was really aggrieved with respect to the point of non framing of issue regarding resumption, he could have moved the application much earlier and not at the stage when the case is fixed for final arguments. Apart from this, on merits, it is observed that whether the building is resumed by Estate Officer, Chandigarh, or not, this question has relevancy between the rights of the petitioner qua Estate Officer and applicant/tenant has no say in this regard. He is tenant and he should not dispute the ownership. Accordingly, the present application is dismissed being frivolous. Now, to come up on 10.09.2015 for arguments.

Concededly, the application for framing additional issue under Order 14 Rule 5 CPC was moved at a stage when the matter was fixed for final arguments. The eviction petition was filed on 20.02.2011 and a period of over 4 years have already gone by. Indisputably, the petitioner was inducted in the premises by the respondent-landlord and the relationship between the two is not in dispute. Whether the building in question is resumed by the Estate Office, Chandigarh, or there is any dispute between the respondent and the Estate Officer, Chandigarh, has no relevance to the present

proceedings. In any case, the petitioner is in no position to dispute the title of his landlord. Ex facie, the application was moved with a purpose to delay and derail the proceedings and, thus, lacks bona fides.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

19.09.2015

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(ARUN PALLI)
JUDGE