

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

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Civil Revision No.8405 of 2015
Date of Decision: December 21, 2015

Vinod Kumar Gupta

...Petitioner

Versus

Ms. Arti Brar

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.R. Gupta, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision is to the order dated 21.10.2015 passed by the Rent Controller, Chandigarh, whereby application under Order XVIII Rule 17 of the Code of Civil Procedure, 1908, for recalling the respondent-landlady for her cross-examination in the light of subsequent events, stands dismissed primarily relying upon the observations made by the Rent Controller in its order dated 08.10.2015, whereby an application under Order VI Rule 17 of the Code of Civil Procedure, 1908, for amendment of the written statement by the petitioner herein, stands dismissed.

2. It is the contention of learned counsel for the petitioner that after the filing of the present petition, the respondent-landlady has rented out the 2nd floor which was lying vacant and has also enhanced the rent for the 1st floor. The petition was filed for vacation of the 3rd floor which has been withdrawn by her. He, thus, contends that the respondent is to be recalled for putting all this to her so that she can be confronted with these facts. He, thus, contends that the rejection of the petition by the Rent Controller by order dated 21.10.2015, cannot sustain.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned order dated 21.10.2015 as also the order dated 08.10.2015 passed by the Rent Controller, whereby second application under Order VI Rule 17 CPC for amendment of the written statement preferred by the petitioner stands dismissed and on perusal of the same, I do not find that the argument, as has been raised by the counsel for the petitioner would sustain, specially in the light of the fact that the arguments which are being sought to be raised in the present revision petition by which the impugned order dated 21.10.2015 stands challenged, have been duly considered by the Rent Controller by its order dated 08.10.2015. It would not be out of way to mention here that the petitioner has already cross-examined the respondent herein on this aspect, as has been observed in the order dated 08.10.2015 passed by the Rent Controller.

4. There being no illegality in the impugned order which would call for any interference by this Court, the present revision petition stands dismissed.

December 21, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE