

C.R. No. 8614 of 2015 (O&M)

Date of Decision: 21.12.2015

M/s Gupta Furniture Store and another

.....PETITIONERS

VERSUS

Sukhdev Raj Mahajan @ Ganesh Kumar and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. Gagandeep Singh Sirphikhi, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J (ORAL)

Challenge in this petition is to the order dated 24.11.2015 passed by the Rent Controller, Batala, vide which an application filed by respondent No. -1-tenant to tender his affidavit in evidence has been accepted.

It is the contention of the learned counsel for the petitioners that the present application could not be accepted as after the amendment of the petition, he had been granted five opportunities to file reply to the amended petition but he did not file the same, the result whereof was the striking off his defence. He contends that once the defence has been struck off, the present application could not have been accepted.

This contention of the learned counsel for the petitioners cannot be accepted in the light of the fact that it is not in dispute that to the

unamended petition, a written statement was filed, which was already on record and if that be so, the said written statement has to be taken into consideration as his defence, for which he is entitled to lead his evidence. The order, as has been passed by the Rent Controller, Batala, cannot be said to be not in accordance with law which would call for any interference by this Court.

In view of the above, finding no merit in the present revision petition, the same stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

December 21, 2015

pj