

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1102 of 2016

Date of Decision.19.02.2016

Harjinder Singh Chaggar and another

.....Petitioners

Vs.

Ashish Singh

.....Respondent

Present: Mr. Ankit Chowdhri, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The landlord who was defendant in suit filed by an erstwhile tenant claiming damages for expenses alleged to have been incurred by the tenant had an objection to make about the maintainability of the suit. The contention was that in a petition for eviction filed for non payment of rent, if the defendant were to contend that the expenses incurred by him were liable for adjustment against the rent, it should have been a matter that should have been pressed for such adjudication before the Rent Controller itself and having suffered an order of eviction, there cannot be a separate suit claiming recoveries for amounts alleged to have been spent. If the contention of the landlord were to be that the point which is now raised by the tenant was matter which was substantial and directing an issue in a rent control proceeding and that the tenant would be barred by the principle of res judicata from filing such suit, it will be better taken among other contentions for issue is not

straight forward for rejection but a matter that would require an adjudication on mixed question of facts and law.

2. Reserving liberty to the landlord to take all these objections before the Court at the time of trial, I dispose of the revision petition as requiring no intervention to the order already passed.

(K. KANNAN)
JUDGE

February 19, 2016
Pankaj*