

Civil Revision No.2243-2016
Date of decision : 30.03.2016

VS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

- AJAY TEWARI, J. (Oral)**

"That the applicant most respectfully submits as under:-

1. That the above noted petition is pending before the Hon'ble Court which is fixed for today i.e.0102.2016. However the petition of petitioner is totally false, frivolous, bogus, mala fide and does not disclose any clear cause of action against the respondent to file the present suit. So the plaint is liable to be rejected under Order 7 Rule 11 of CPC.

2. *That the petitioner has not come to this Hon'ble Court with clean hands. That the petition has suppressed and concealed the true and material facts from this Hon'ble Court just to play fraud on the respondent as well as upon the Hon'ble Court in an illegal manner and just to harass the applicant/respondent illegally without disclosing any cause of action and place of jurisdiction in the present petition. The present petition is totally mala fide, warrants severe and strong action against the petitioner and exemplary penalty is liable to be imposed upon the petitioner while dismissing the petition summarily rejection of the petition is not enough. Clever drafting creating illusion of cause of action and jurisdiction is not permitted in law. A clear right to sue should be shown in the petition.*
3. *That the petitioner has filed a false and frivolous petition under Section 13(2)(i) and 13(3)(a)(i) of Haryana Urban(Control of Rent and Eviction)Act, 1973.*
4. *That the petitioner under the garb of the present petition wants to take over of the possession of the suit property.*
5. *That the petitioner has no right to file the present petition. That the petitioner neither the landlord nor the respondent is not tenant of the petitioner.*
6. *That if or any reason the petitioner wants to take over the possession then she has to file a suit for possession by affixing the ad valorem court fees on the market value of the suit property.*
7. *That the present petition being insufficiently stamped is liable to be dismissed.*
8. *That the present petition filed by the petitioner in a design to harass and get their illegal demands met by creating undue pressure on the respondent.”*

Ultimately the Rent Controller rejected that application holding that the respondent-landlord had well proved that the property was earlier owned by her father Sat Pal Soni and that the petitioner being originally tenant of Sat Pal Soni would now be deemed to be the tenant of the respondent and consequently rejected the application. Against that the petitioner filed CR No.

2234 of 2016 which has been withdrawn by order of the even date.

Learned counsel has argued that by adjourning the case for arguments on fixation of provisional rent the petitioner has been deprived of the right to file a written statement. It is, however, not disputed that no body stopped the petitioner from filing written statement either on the earlier date or on 03.03.2016 or even till today. It is clear from a narration of the facts and the contents of the application under order 7 Rule 11 CPC that the petitioner has just been trying to squeeze more time. Learned counsel for the petitioner states that the matter is now fixed for tomorrow and the petitioner is ready to file the written statement tomorrow. In the circumstances the prayer is allowed subject to Rs. 10,000/- as costs.

Petition stands disposed of in the above terms.

A copy of this order be handed over dasti to learned counsel under the signatures of the Bench Secretary.

March 30, 2016

sunita

(AJAY TEWARI)
JUDGE