

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 552 of 2017**

Dr. Nitin Juneja, S/o Shri P.L. Juneja, aged about 39 years,
Working as Managing Director/Authorized Power of
Attorney Holder Prime Multi Speciality Health Care and
Research Pvt. Ltd., R/o Prime Medical Centre Mangla
Chowk, Mungeli Road near Bank of Baroda, Bilaspur,
District – Bilaspur (C.G.) Non-applicant

---- Petitioner**Versus**

Saurabh Agrawal, S/o Shri S.K. Agrwal, Through Power of
Attorney – Mukesh Agrawal, aged about 39 years, S/o Shri
S.K. Agrawal, R/o Vinoba Nagar Bilaspur, Tahsil & District
Bilaspur (C.G.)Applicant

---- Respondent

For Petitioner: Mr. Prateek Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/08/2017**

(1) Learned counsel appearing for the petitioner would submit that the petitioner had filed an application under Order 7 Rule 11 of the Code of Civil Procedure (for short "CPC") before the Rent Controlling Authority for rejection of the application filed by the respondent – landlord. That application has been rejected without assigning any sufficient reason and non-speaking order has been passed by the trial Court, which is liable to be set aside.

(2) Notice was issued to the respondent but none has been appeared on behalf of the respondent.

(3) I have heard learned counsel appearing for the petitioner and

perused the order impugned with utmost circumspection.

(4) The petitioner's application under Order 7 Rule 11 of the Code of Civil Procedure (henceforth 'CPC') has been rejected by the Rent Controlling Authority, Bilaspur on the ground that the RCA has satisfied with the reply filed by the landlord therein. In the considered opinion of this Court, this is not the correct procedure for determining the lis; the Rent Controlling Authority, while rejecting the application under Order 7 Rule 11 CPC, ought to have assigned valid and sufficient reasons and thereafter could have been rejected the same, which the trial Court has not done and, therefore, the impugned order dated 5.7.2017 deserves to be set aside.

(5) Accordingly, the writ petition is allowed. Impugned order dated 5.7.2017 is set aside. The application under Order 7 Rule 11 of the CPC is restored to the file of Rent Controlling Authority, Bilaspur for hearing and disposal in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-