

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

110

CR No.1508 of 2017 (O&M)

Date of decision: 10.03.2017

United India Insurance Company Ltd.

....Petitioner

Versus

Gangadhar Bansal

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.D.R.Bansal, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Present revision petition, filed by the petitioner-tenant, is directed against the order dated 16.11.2016 (Annexure P1) whereby the application for framing additional and proper issues, has been partly allowed. The Rent Controller, Abohar has framed and re-numbered issue No.5(a) which was proposed in the application for framing additional and proper issues, dated 26.10.2016 (Annexure P2). The said issue is whether the jurisdiction of the Rent Controller was barred to try the rent petition.

Counsel for the petitioner has vehemently submitted that other issues which were at Sr.Nos. (ii) to (iv) in the said application, were also required to be framed and the same had wrongly been dismissed. It is submitted that even the opposite side did not, as such, oppose the application and the counsel had given a statement that the Court may deem it fit to frame any additional issue.

It is true that there was no such opposition to the application but in spite of that, the Rent Controller had applied its mind duly and come to the conclusion that the other issues which had been proposed, were not liable to be framed. This was done keeping in view the issues which were already framed on 04.09.2012. It is, in such circumstances, been held that the other remaining issues were not relevant as they were covered by the earlier issues framed.

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

CR No.1508 of 2017 (O&M)

-2-

This Court has also examined the factum of the proposed issue No. (ii), which was whether the landlord is barred to file the petition by his own act and conduct. The said issue would be covered under issue No.3, which has already been framed that whether the eviction petition was not maintainable in the present form on the ground that the earlier suit of possession had been filed.

Similarly, proposed issue No.(iii), whether the petition is *mala fide* and abuse of the process of the Court, would be covered under issue No.4, initially framed, that whether the eviction petition is liable to be dismissed for concealing material facts from the Court.

Similarly, issue No.(iv) proposed on the ground that the petition was barred under Order VII Rule 1 (j) CPC (as amended by this Court), would also be covered by issue No.3, initially framed, regarding the maintainability.

In such circumstances, the order passed by the Rent Controller, as such, does not suffer from any procedural infirmity or illegality, which would warrant interference by this Court. Resultantly, the present revision petition is dismissed in limine.

10.03.2017
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*