

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

(255)

**Civil Revision No.3152 of 2017 (O&M)
Decided on : 24.05.2017**

Srist Kumar Kaushal

... Petitioner

Versus

Anil Kumar and another

... Respondent

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

Present : Mr. Karan Singla, Advocate
for the petitioner.

Mr. Atul Jain, Advocate
for the respondent.

G.S. Sandhawalia, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 of CPC for issuance of a direction to the trial Court for expeditious decision of the application under Order 6 Rule 17 CPC (Annexure P-1) filed by the petitioner-tenant for amendment of the written statement in the eviction petition titled as '**Anil Kumar Vs. Srist Kumar Kaushal**'.

The contention of the counsel was noted on 03.05.2017 reads as under:-

“Counsel inter alia contends that an application under Order VI Rule 17 CPC for amendment of the written statement was filed on 29.07.2016 by the petitioner-tenant. Reply to the said application has been filed on the same date. At that stage, the evidence of the respondent-landlord was going on. In spite of the reply being filed, consideration has not been done by the

Rent Controller on the said application and even the evidence of the landlord has been closed vide order dated 22.09.2016. Thereafter, the case was fixed for the evidence of the petitioner, who is the tenant alongwith the consideration on the application concerned and the matter has been adjourned on as many as 9 occasions. It is submitted that the evidence of the present petitioner also, thus, is not being brought forward as it is imperative for the application to be decided firstly and evidence cannot brought on record in the absence of the pleadings which have come on record.

Notice of motion for 17.05.2017.

Dasti.

Let a report be called from the Rent Controller through the District and Sessions Judge, Patiala as to the laxity displayed and the non-application of mind is there keeping in view the above facts. Copy of the order be also sent to the officer concerned.”

In response, the report has come from the District & Sessions Judge, Patiala that the earlier officer has been transferred and the officer who has been entrusted the case will make every efforts to dispose off the application under Order 6 Rule 17 CPC for amendment of the written statement at the earliest.

Mr. Jain has no objection and he submits that he has also been prejudiced as the eviction petition filed by him is also being delayed.

Resultantly, keeping in view the report received, a direction is issued to the Rent Controller concerned to ensure disposal of the application under Order 6 Rule 17 CPC within a period of one month

from the receipt of the certified copy of this order.

With the abovesaid observations, the present revision
petition stands disposed of.

MAY 24, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>