

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 110

CR-4474-2017 (O&M)
Decided on : 20.07.2017

Rakesh Kumar

..... Petitioner

VERSUS

Krishnawanti

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Namit Gautam, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, challenge is made to the order dated 03.07.2017, passed by the Rent Controller, Ludhiana, through which the application filed by the petitioner under Order 6 Rule 17 read with Section 151 CPC for amendment of the written statement, has been dismissed.

A perusal of the impugned order reveals that the same is primarily based on the observations made by this Court in its order dated 23.05.2017, passed in CR-2517-2017 *Krishnawanti vs. Rakesh Kumar*.

Today, Mr.Namit Gautam, Advocate has brought to my notice an order dated 17.07.2017, passed by this Court clarifying the afore-referred order dated 23.05.2017, which reads as under: -

“The present application has been filed for clarification/modification of the order dated 23.05.2017 passed by this Court.

Counsel for the respondent-applicant-tenant has vehemently submitted that his rights are being affected on account of the directions issued in the said order especially wherein it was observed that the bona fide necessity as such has to be seen on the date of the filing of the petition since it has resulted in dismissal of the application under Order 6 Rule 17 CPC on 03.07.2017.

Notice in the application.

Mr. Chandan Deep Singh, Advocate accepts notice of the application.

The order dated 23.05.2017 was only passed keeping in view the record of the case and the zimini orders produced. Mr. Gautam is not in a position to point out that there is any factual error as to how the proceedings have been conducted before the Court below since the last 7 years. It was in such circumstances that the order had been passed with a purpose to expedite the proceedings and it was not for the purpose of stepping on or curtailing on any of the parties legal rights.

Accordingly, the present application is disposed of with the observation that it is always open to the respondent-applicant to seek his remedy in accordance with law regarding any order passed subsequently by the Rent Controller.”

As noticed above, since the impugned order is primarily based on the observations made by this Court in its order dated 23.05.2017, passed in CR-2517-2017 *Krishnawanti vs. Rakesh Kumar*, which have now been clarified, counsel for the petitioner seeks to withdraw the present petition with liberty to approach the Rent Controller, Ludhiana, for review of its order dated 03.07.2017.

Permitted to do so.

Dismissed as withdrawn with liberty as prayed for.

20.07.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No