

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.7175 of 2017 (O&M)

Date of Decision: 24.10.2017

Narinder Mohan Mittal and others

... Petitioners

Versus

Nirmal Kumar and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Akshay Bhan, Sr. Advocate,
with Mr. Santosh Sharma, Advocate,
for the petitioners.

Mr. Vikas Bahl, Sr. Advocate,
with Mr. Nitish Garg, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

1. Mr. Vikas Bahl, learned Senior counsel appearing with Mr. Nitish Garg, Advocate though not on caveat but as a watching brief when asked by Court whether the respondent side is prepared with the arguments, the reply was in the affirmative. That is how I have heard both the learned Senior counsel for final disposal of this case at the first motion hearing.

2. Formal notice of motion is issued.

3. Mr. Nitish Garg, learned counsel assisting Mr. Vikas Bahl, learned Senior counsel accepts notice on behalf of the respondents and waives service on them by Court process.

4. Heard Mr. Bhan and Mr. Bahl at length against an interlocutory order dated September 19, 2017 passed by the Rent Controller, Chandigarh dismissing an application filed under Section 151 CPC filed by the present

petitioner-respondent in the rent proceedings with the following prayer:-

“It is, therefore, prayed that the petitioners be directed to seek adjudication of their title from the Civil Court and till then the present proceedings in the ejectment petition be stayed till the adjudication by the civil court.”

5. The application has been dismissed by the Rent Controller, Chandigarh with costs of ₹500/- to be paid by the petitioning respondent in the District Legal Services Authority at Chandigarh which costs are stated to stand deposited with the authority.

6. I have considered the arguments on both sides regarding title to property or the relationship of the parties but express no opinion on the *inter se* status and rights of the parties least either side is prejudiced in the trial. Therefore, the issues discussed at the hearing are not recorded and are left widely open for determination by the Rent Controller, Chandigarh and it is declared that both the parties would have the right to press all pleas available to them in law and fact before the Rent Controller who would proceed to determine the rent petition in accordance with law.

7. With these reservations and observations, the petition stands disposed of, which disposal will not be construed by the Rent Controller as a sign of defeat or victory of any of the parties to the lis heard today in this Court in this case.

(RAJIV NARAIN RAINA)
JUDGE

24.10.2017
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Whether speaking/reasoned No

Whether reportable No