

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

CR No. 7419 of 2017 (O&M)

Date of decision: 30.10.2017

Ramesh Kumar

...Petitioner

versus

Trishla Devi through her LRs and others

...Respondent

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

Present : Mr. Ishaan Gupta Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. No grave prejudice will be caused to the petitioner with the dismissal of this petition where the direction sought is only for clubbing the three rent petitions pending in two different Courts of Rent Controllers at Sangrur involving three demised shops in a row owned by the same landlord, the respondent herein, but in occupation of three different tenants, one of which is the petitioner. I would find hardly any fatal flaw in the impugned order declining remitting the three rent petitions to one Rent Controller for final determination. In at least one of those cases, the stage is reached for the tenants therein to lead their entire evidence i.e. in the rent petition pending for 07.11.2017. The other two cases which are stated to be coming up on 03.11.2017 and 08.11.2017 are mature for arguments where evidence of the parties has been concluded. However, at the same time dismissing this petition I feel may not serve substantially the ends of justice as there is something

to be said in favour of the present petitioner, who is one of the tenants. Therefore, I have penned down this order not with any intention of setting aside the order dated 17.10.2017 but with a view to harmonize the three cases in the manner I have understood.

2. I have gone through the order dated 17.10.2017 passed by the learned District Judge, Sangrur and I have no doubt that while dealing with action plan cases regard will be held to decision of this Court in Bharat Rajput v. Amrik Singh Aulakh, 2011 (4) RCR (Civil) 807 which was circulated by the High Court in all subordinate Courts within our territory. Nevertheless, one would have been happier had the learned District Judge, Sangrur refrained from mentioning in her judicial order the administrative scheme of this Court in drawing up Action Plans for disposal of old cases as an additional reason for declining the application for clubbing and not consolidation of the three rent petitions.

3. There is no doubt that the three rent petitions are old ones and deserve the disposal by the Rent Controllers in time bound manner but at the same time I also see no harm in first attempting to conclude the left over defendants' evidence and/or rebuttal of the landlord in the incomplete case but at the fag end in the shortest possible time perhaps on the date fixed or at any other short date in the discretion of the Court, say just a few days ahead, so that all these cases mature at the same time for arguments, heard one after the other.

4. It may make it easier for one Rent Controller to deal with all the three cases on its Board, involving by and large the same issues regarding eviction sought and pressed by the landlord against the three tenants. Though there is nothing wrong in the order passed by the learned District Judge, Sangrur but it is still open to consider assigning the cases to one Rent Controller so that there is consistency and chances of conflicting opinions avoided which may ultimately save the time of the Appellate Authority and of this Court in case parties seek further judicial review of the orders passed by the Rent Controller/s. Needless to say that in case the learned District Judge, Sangrur accepts this position, then there is no doubt anywhere that the three cases will be decided by independent orders upon their respective evidences.

5. In case the learned District Judge thinks it appropriate despite the impugned order laying not too much emphasis on the Action Plan she may yet exercise her power and authority in assigning the three cases to one Rent Controller. In such event, the Rent Controller will weigh each case on its own merits to see whether relief is to be granted or denied and thereafter pronounce orders on the same day or close at heels depending on its workload. No opinion is expressed on the cases since it lies exclusively in the domain on the rent authorities untrammelled by anything said in this order which is only a constructive suggestion to the learned District Judge, Sangrur to act according to her wisdom and empowered to review order even *suo motu* if thought fit.

But at the same time not be overtly pressed and circumscribed by the action plans of this Court which are designed for prioritizing justice in overly long pending matters but not dispensing with it.

6. With the above observations, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

October 30, 2017

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Whether speaking/reasoned : Yes

Whether reportable : No