

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

**Civil Revision No.7946 of 2016
Decided on : 28.04.2017**

Chaman Lal

... Petitioner

Versus

Sunita Seth

... Respondent

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

Present : Mr. Sharad Aggarwal, Advocate
for the petitioner.

Mr. Surinder Singh Virk, Advocate
for the respondent.

G.S. Sandhawalia, J. (Oral)

The petitioner-tenant challenges the order dated 27.10.2016 (Annexure P-6) passed by the Rent Controller, Panipat, whereby the application for recasting of the issues was declined, on the ground that issue No.2 was comprehensive enough and covered the ambit of the nature of the relationship existing between the parties and, therefore, the additional issue as such regarding the nature of the relationship did not arise and would be superfluous. Resultantly, the application for recasting of the issues was dismissed.

The issue which was sought to be reframed is 'whether there is a relationship of landlord and tenant between the petitioner and the respondent' and the application had been filed at the stage when the case was fixed for tenant's evidence.

A perusal of the written statement would go on to show that a categorical stand has been taken that there is no relationship between the

parties and premises are not taken on rent as alleged from the petitioner, but from one Vikas Seth, who is none else, but the husband of the respondent-landlady. It was further pleaded that the respondent is neither a owner/landlady and no arrears of rent were there as such.

Once such a defence has been taken, the Rent Controller was in error as such by holding that issue No.2 regarding the maintainability would be comprehensive enough and covered the pleadings and the defence which has been taken and, thus, the order impugned is not justified.

Accordingly, the order dated 27.10.2016 (Annexure P-6) is set aside. The Rent Controller shall, accordingly, allow the application filed for recasting of issues on the abovesaid pleadings as has been prayed for.

Accordingly, the present revision petition stands allowed.

APRIL 28, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No