

CR No.2254 of 2018

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

CR No.2254 of 2018

Date of decision:04.05.2018

M/s Ado India Pvt. Ltd.

... Petitioner

Vs.

UHBVN Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.S.Malik, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 01.02.2018 (Annexure P-5) passed by the Civil Judge (Junior Division), Sonapat, vide which application under Order 7 Rule 11 for rejection of counter claim filed by respondent/defendant No.3, has been rejected.

Mr. R.S.Malik, learned counsel appearing on behalf of the petitioner-plaintiff submits that relief sought in the suit for permanent injunction primarily was against the UHBVN Limited restraining them from disconnecting the electricity power connection of around 49 KVA but in miscellaneous appeal before the Lower Appellate Court, owner of the building was also impleaded. On appearance, he has filed the written statement alongwith counter claim seeking ejectment of the premises. He further submits that counter claim was not maintainable as jurisdiction

would rests with the Rent Controller. It is in that background the
aforementioned application was filed which has erroneously been
dismissed.

I have heard the learned counsel for the petitioner, appraised
the paper book and of the view that the averment in the counter claim to be
treated as plaint is to be seen. It is yet to be established that whether the suit
is exempted from the applicability of **The Haryana Urban (Control Of Rent
& Eviction) Act, 1973** as per the provisions of Section 3 or not as it is a
mixed question of facts and law. The petitioner would be entitled to take up
all the objections in the written statement to the counter claim and press the
issue of maintainability in case of any documentary evidence but not in the
manner and mode as indicated above.

No ground is made out for interference in the impugned order.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

May 04, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No