

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

**CR No.3810 of 2015 (O&M)
Date of Decision:27.09.2018**

Purshotam Dass and another

...Petitioners

Versus

Subhash Chander

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.K.S.Khehar, Advocate for the petitioner.
Mr.Amit Gupta, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner filed an application for framing preliminary issue on the ground that in the previous petition, a settlement was arrived at wherein landlord had undertaken not to file the petition and engaged the tenant for a period of 10 years.

Objection of the tenant is that the petition has been filed within the aforesaid period of 10 years.

The learned Rent Controller has dismissed the application on the ground that this issue would be examined after permitting the parties to lead evidence as the aforesaid settlement is required to be proved by leading evidence.

Since the petition filed by the landlord is at the initial stage, the final decision of the case cannot be directed to be in stages. It will be open to the tenant to raise such objection at the time of final hearing and the tenant would be further entitled to request the court to frame an issue on this aspect.

Needless to say that any observations made by the Court, while

passing the impugned order shall not bind the court while finally deciding the case.

Civil Revision petition stands disposed of. Pending application(s), if any, shall also stand disposed of, in terms thereof.

27.09.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No