

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 29.5.2018

CR No. 3404 of 2018

Mukesh Dutta

---Petitioner

versus

Swaran Singh Khera

---Respondent

CR No. 3427 of 2018

Surinder Pal

---Petitioner

versus

Swaran Singh Khera

---Respondent

CR No. 3428 of 2018

Sunil Dhawan

---Petitioner

versus

Swaran Singh Khera

---Respondent

CR No. 3429 of 2018

Rakesh Kumar Duggal

---Petitioner

versus

Swaran Singh Khera

---Respondent

CR No. 3485 of 2018

Atam Parkash Sharma

---Petitioner

versus

Swaran Singh Khera

---Respondent

CR No.3537 of 2018

Avdesh Sharma

---Petitioner

versus

Swaran Singh Khera

---Respondent

CR No. 3487 of 2018

Subhash Chander (since deceased) through his Lrs.

---Petitioner

versus

Swaran Singh Khera

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Monita Mehta, Advocate
for the petitioner(s) in all the revision petitions**

Rekha Mittal, J.

This order will dispose of Civil Revision Nos. 3404, 3427, 3428, 3429, 3485, 3487 and 3537 of 2018 as identical question of law and fact is involved for determination. For the sake of convenience, facts are taken from C.R.No. 3404 of 2018.

The sole submission made by counsel for the petitioner is that the District Judge, Kapurthala has wrongly held in the operative para of the impugned order whereby application for transfer of eviction petition from the Court of concerned Rent Controller has been dismissed that the learned Rent Controller has not expressed any opinion on merits of this case when

as a matter of fact, the learned Rent Controller has actually expressed opinion regarding merits of the case while disposing of the application filed Under Order 26 Rule 9 of the Code of Civil Procedure (in short “the Code”) seeking appointment of a local commission. It is further submitted that a serious prejudice shall be caused to the petitioner in case observations made by the Rent Controller while disposing of matter with regard to appointment of local commission weighed in the mind of the Court while deciding application for leave to defend.

Be that as it may, it is undisputed position of the case that order passed by the Rent Controller dismissing plea of the petitioner for appointment of local commission became subject matter of challenge in the revision petitions disposed of by this court vide order dated 20.3.2018. A similar plea was raised before this court at that time that the petitioner has apprehension that the Rent Controller may take note of the observations made in the impugned order at the time of final order on the application seeking leave to defend. This Court disposed of the revision petitions by a common order passed on 20.3.2018. A relevant extract therefrom, reads as follows:-

“Learned counsel for the revision petitioner(s) has apprehension that the Rent Authority may take note of the observations in the impugned order at the time of final order on the application filed by the revision petitioner(s) seeking leave to defend.

In order to allay apprehension of learned counsel for the revision petitioner(s), it is ordered that the Rent Authority shall not take note of any observation recorded while

With these observations, petitions stand disposed of.

29.5.2018

PARAMJIT	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No