

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

CR No.4351 of 2018 (O&M)
Date of decision : 13.07.2018

Ashok Kumar Mehal and others

...Petitioners

Versus

Rakesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.M. Wadehra, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

CM No.13593-CII of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 2 days in refiling the revision petition is condoned.

Application is allowed.

CM No.13592-CII of 2018

For the reasons stated in the application, which is duly supported by an affidavit, legal heirs of Anita Mehal-petitioner No.3 as mentioned in para No.2 of the application, are ordered to be brought on record, for the purpose of prosecuting the present revision petition.

Application is allowed.

Main Case

This revision petition has been filed against the order passed by

the learned Rent Controller dated 02.08.2017 dismissing the application for framing the additional issues. No doubt, the petitioner-landlord has filed the eviction proceedings under the East Punjab Urban Rent Restriction Act, 1949, however, in the application, it was pointed out that the ejectment is not only been claimed for the arrears of rent but also for the arrears of the property tax, water charges, etc. The original issues framed by the Court are extracted as under:-

- “1. Whether the respondent is liable to be evicted from the demised premises on the grounds mentioned in the petition i.e. arrears of rent? OPP*
- 2. Whether the petition is not maintainable? OPR*
- 3. Relief.”*

On careful reading of issue No.1, it is clear that the Court would be considering the ground of eviction as pleaded in the petition. However, learned counsel expresses apprehension that the arrears of the property tax and water charges would not be taken into consideration.

This Court has no doubt that whatever grounds have been pleaded in the petition, the Rent Controller would consider the same and pass an appropriate order in accordance with law.

With these observations, the present revision petition is disposed of.

13.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No