

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

258

CR-2906-2017 (O&M)

Date of decision: 31.01.2019

KANTA DEVI

...Petitioner

Versus

RAVINDER KUMAR SHARMA

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ankit Chowdhri, Advocate for the petitioner.
Mr. Pushpinder Kaushal, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 27.03.2017 Annexure P7 passed by the Rent Controller, Chandigarh whereby application under Order 6 Rule 17 read with Section 151 CPC for amendment of the eviction application has been dismissed and in view of discussion made while deciding application for amendment, the application under Order 1 Rule 10 CPC for impleadment of Surinder Kaur @ Surinder Rani wife of respondent Ravinder Kumar Sharma was also dismissed.

Counsel for the petitioner would argue that though the application under Order 1 Rule 10 read with Section 151 CPC Annexure P3 and application under Order 6 Rule 17 read with Section 151 CPC for amendment of the eviction application Annexure P5 were filed on the same date but the question of amendment of the eviction application would have arisen only if the petitioner is permitted to implead Surinder Kaur @ Surinder Rani on the array of respondents. It is further submitted that the order impugned may be set aside and the matter may be remitted to the Rent Controller for deciding the application under Order 1 Rule 10 read with

Section 151 CPC at the first instance and if the same is allowed then the application for amendment of the eviction application may be heard and disposed of.

Counsel for the respondent has got no objection.

In view of the above, the present petition is disposed of. The impugned order is set aside and the matter is remitted to the Rent Controller for disposal of the application under Order 1 Rule 10 read with Section 151 CPC for impleadment of Surinder Kaur @ Surunder Rani at the first instance and thereafter decision of the application for amendment of the eviction application, if so warranted. However, nothing stated hereinabove shall be construed as an expression of opinion on merits of the applications.

31.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No