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

Civil Revision No.5175 of 2017 (O&M)

Date of Decision: 06.11.2019

Kanwal Thakar Singh

..... Petitioner

Versus

Renu Banerjee and another

..... Respondents

Civil Revision No.5176 of 2017 (O&M)

Kanwal Thakar Singh

..... Petitioner

Versus

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..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. M.L. Sarin, Senior Advocate with
Ms. Hemani Sarin, Advocate,
for the petitioner.

Mr. Vikas Bahl, Senior Advocate with
Mr. Divanshu Jain, Advocate &
Mr. Nitish Garg, Advocate,
for the respondents.

SUDIP AHLUWALIA, J. (ORAL)

At the outset, it is submitted by Ld. Senior counsel for the petitioner that the application for eviction was filed under Section 13-B of the East Punjab Urban Rent Restriction (Extension to Chandigarh) Act, 1973, under which the proceedings are entirely summary in nature.

2. But in view of the averments made in the respondents' application for leave to contest, certain complicated and unforeseen situations have arisen inasmuch as the petitioner initially found it safe to implead one P.K. Banerjee, who was the original signatory to the Rent Agreement. But mere impleadment of the said person without amending the

original application to seek alternative relief against him, if he is found to be tenant, can appropriately not be permitted in a summarily triable application.

3. The petitioner, therefore, seeks liberty to withdraw the pending eviction application, which is otherwise liable to fail in view of this technical defect.

4. The above submission made on behalf of the petitioner appear to be balanced and logical and it is, therefore, in the fitness of the things that the same is accepted. The petitioner is, therefore, permitted to withdraw her original eviction application pending before the Ld. Rent Controller with liberty to file a fresh one after removing of the defects thereon. Such liberty shall be without prejudice to the rights and obligations of both the contesting parties.

5. Consequently, the present revision petition also stands disposed off, as having been rendered infructuous in accordance with above submission.

06.11.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No