

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

CR No.2972 of 2019 (O&M)
Date of Decision: May 10, 2019

M/s Hindustan Distributors

...Petitioner

Versus

Dr. Adarsh Kaul and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kanwal Goyal, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. This is a civil revision that has been filed under Article 227 of the Constitution of India seeking to challenge the order of the Rent Controller dated 13.02.2019.
2. The primary thrust of argument before this court is that Hindustan Distributors ought to be impleaded as a party because the rent has been paid by the said proprietorship concern. The Rent Controller, by a detailed order dated 13.02.2019, dismissed the application moved under Order 1 Rule 10 CPC, which has been impugned in this Court.
3. Upon notice, Mr. Chetan Mittal, learned Senior counsel assisted by Mr. Mohinder S. Nain, Advocate put in appearance on behalf of respondent-landlord and argues that the instant civil revision ought to be dismissed on the ground that earlier too, Mr. Arunesh Aggarwal, who is also

proprietor of M/s Hindustan Distributors herein, filed an application for amendment of his leave to defend on the ground that M/s Hindustan Distributors was paying the rent, which application was dismissed by the Rent Controller. Against the dismissal of the application for amendment of leave to defend, a Civil Revision had been filed bearing CR No.8723 of 2017, which too stands dismissed by an order dated 23.08.2018. It is further argued that only after dismissal of the aforesaid civil revision that an application under Order 1 Rule 10 CPC has been filed and that too after two months of the dismissal.

4. I have heard learned counsel for the parties and before this court could decide this matter on merits, learned counsel for the petitioner seeks permission to withdraw the instant civil revision.

5. Dismissed as withdrawn.

May 10, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No