

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 1522 of 2019 (O&M)

Date of Decision: 28.01.2020

Arjan Ram and Others

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

2.. Regular Second Appeal No. 1523 of 2019 (O&M)

Kashmiri Devi and Others

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

3. Regular Second Appeal No. 1525 of 2019 (O&M)

Charanjit Singh

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

4. Regular Second Appeal No. 1526 of 2019 (O&M)

Sheetal Rani

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

5.

Regular Second Appeal No. 1527 of 2019 (O&M)

Jarnail Singh

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

6.

Regular Second Appeal No. 1528 of 2019 (O&M)

Sham Sunder

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

7.

Regular Second Appeal No. 1529 of 2019 (O&M)

Gian Chand

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

8.

Regular Second Appeal No. 1530 of 2019 (O&M)

Sudesh Rani

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

9.

Regular Second Appeal No. 1531 of 2019 (O&M)

Sharwan Kumar and Another

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

10.

Regular Second Appeal No. 1533 of 2019 (O&M)

Munshi Ram

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

11.

Regular Second Appeal No. 1534 of 2019 (O&M)

Ram Parkash

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

12.

Regular Second Appeal No. 1535 of 2019 (O&M)

Sunita Aggarwal

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

13.

Regular Second Appeal No. 1536 of 2019 (O&M)

Balram Anand

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

14.

Regular Second Appeal No. 1537 of 2019 (O&M)

Krishna Vohra and Others

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

15.

Regular Second Appeal No. 1539 of 2019 (O&M)

Yogesh Vohra and Others

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

16.

Regular Second Appeal No. 1540 of 2019 (O&M)

Prithvi Raj (Deceased) through L.Rs

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

17.

Regular Second Appeal No. 1542 of 2019 (O&M)

Kiran Sharma

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

18.

Regular Second Appeal No. 1543 of 2019 (O&M)

Ramesh Kumar and Another

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

19.

Regular Second Appeal No. 1544 of 2019 (O&M)

Asha Puri

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

20.

Regular Second Appeal No. 1545 of 2019 (O&M)

Dharam Singh

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

21. Regular Second Appeal No. 1546 of 2019 (O&M)

Devinder Kumar Patti and Others
... Appellant(s)

Versus

National Fertilizer Limited and Others
... Respondent(s)

22. Regular Second Appeal No. 1548 of 2019 (O&M)

Kanta Rani
... Appellant(s)

Versus

National Fertilizer Limited and Others
... Respondent(s)

23. Regular Second Appeal No. 1550 of 2019 (O&M)

Gurinder Pal Singh
... Appellant(s)

Versus

National Fertilizer Limited and Others
... Respondent(s)

24. Regular Second Appeal No. 1551 of 2019 (O&M)

Jeevan Bala
... Appellant(s)

Versus

National Fertilizer Limited and Others
... Respondent(s)

25.

Regular Second Appeal No. 1552 of 2019 (O&M)

Rajinder Kumar Bhardwaj

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

26.

Regular Second Appeal No. 1553 of 2019 (O&M)

Kamla Sharma

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

27.

Regular Second Appeal No. 2648 of 2019 (O&M)

Sudesh Rani and Others

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

28.

Regular Second Appeal No. 2649 of 2019 (O&M)

Leela Puri (Since Deceased) through her Legal Heirs.

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

AND

**Regular Second Appeal No. 1522 of 2019 (O&M)
And 28 Other Connected Appeals**

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29. Regular Second Appeal No. 2652 of 2019 (O&M)

Jagjit Singh

... Appellant(s)

Versus

National Fertilizer Limited and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Ranjit Saini and Mr. Paramdeep Saini, Advocates
for the appellants.

Mr. Vijay Kumar Jindal, Senior Advocate
with Mr. Vipin Mahajan, Advocate
for National Fertilizer Limited-respondents No.1 to 4.

Anil Kshetarpal, J.

By this order, RSA-1522-2019, RSA-1523-2019, RSA-1525-2019, RSA-1526-2019, RSA-1527-2019, RSA-1528-2019, RSA-1529-2019, RSA-1530-2019 RSA-1531-2019, RSA-1533-2019, RSA-1534-2019, RSA-1535-2019, RSA-1536-2019, RSA-1537-2019, RSA-1539-2019, RSA-1540-2019, RSA-1542-2019, RSA-1543-2019, RSA-1544-2019, RSA-1545-2019, RSA-1546-2019, RSA-1548-2019, RSA-1550-2019, RSA-1551-2019, RSA-1552-2019 RSA-1553-2019, RSA-2648-2019, RSA-2649-2019 and RSA-2652-2019 shall stand disposed of. It is admitted by learned counsel for the parties that the question, which needs determination, is common in all the appeals.

The plaints of separate suits, filed by the plaintiffs, have been rejected under Order VII Rule 11 CPC. The plaintiffs are in possession of

the shops owned by the defendant/respondents-National Fertilizer Limited. The dispute is “whether National Fertilizer Limited has a right to revise the rent taking a fresh policy decision or not”. The trial Court as well as the first Appellate Court has rejected the complaints on various grounds.

The National Fertilizer Limited has no quarrel if the plaintiffs pay the rent/lease money as per its revised policy. In other words, the company is not averse to continuance of the plaintiff's occupation.

Keeping in view the aforesaid facts and in order to balance the equities, this Court had proposed that let the appellants deposit 50% arrears of the lease amount as per the current/revised policy of National Fertilizer Limited with an undertaking to continue depositing the rent regularly as payable under the current revised policy during the pendency of the suits. The appellants have filed their individual affidavits to that effect and the same are taken on record.

Ms. Renu R.P.Singh, Deputy General Manager (HR), National Fertilizer Limited is present along with her counsel. It is agreed that the cases be remanded back to the trial Court to decide the suits on merits within a period of one year. It is also agreed that till then the appellants can be permitted to continue in possession of the shops subject to fulfillment of the undertakings given in their affidavits.

Needless to mention that if the appellants fail to abide by the undertakings given above, the order passed by this Court, would not enure to their benefit and the appeals filed by them shall be deemed to have been dismissed.

Learned senior counsel appearing for respondents No.1 to 4 has pointed out that in the affidavits, the appellants have not specified the time for deposit of 50% arrears of the lease amount.

Learned counsel for the appellants has stated at bar that the appellants would deposit the arrears within six weeks from today.

Keeping in view the consensus arrived at, all the appeals are allowed and the orders passed by the Courts below rejecting the complaints under Order VII Rule 11 CPC are set aside. The parties, through their respective counsel, are directed to appear before the trial Court on 10.02.2020. The trial Court is requested to ensure disposal of the suits within a period of one year from the date the parties appear before it. The copies of the affidavits shall also be forwarded to the trial Court.

The miscellaneous application(s), if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

January 28, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No