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

CR No.3865 of 2019

Date of decision: January 21, 2020

Padam Jain

.....Petitioner

Versus

Dhanial and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mandeep K. Saajan, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J

Present revision petition has been filed under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 for quashing of the impugned order dated 07.05.2019 passed by the learned Rent Controller, Ferozepur (for short 'Controller'), whereby, the application of the petitioner for framing additional issue regarding the rate of monthly rent, has been rejected.

It is contended on behalf of the petitioner that he is occupying the premises in question (shop) as a tenant at the monthly rent of ₹150/-, but landlord-respondents in their rent petition have been mentioned the rate of rent as ₹500/- per month and, the same is disputed by the petitioner by way of written statement. Thus, an additional issue is required to be framed in this regard.

Heard learned counsel for the petitioner and perused the paper-book.

Although, perusal of paragraph No.3 of the rent petition (P-1)

reveals that rate of rent has been mentioned as ₹500/- per month, but at the same time, it is specifically admitted that the entire rent has been paid by the petitioner upto the date and there is nothing due against him. Also noteworthy to mention here that the ground for ejectment in the present petition pleaded by the landlord-respondents is not the non-payment of rent; rather on the basis of their *bona fide* necessity. Thus, framing of additional issue is of not relevance. It seems that application for framing the additional issue has been moved by the petitioner just to delay the eviction proceedings in view of the fact that landlord-respondent No.1 is 85 years of age and the same is just to defeat the purpose of the ejectment petition.

In view of the above, this Court has no option except to dismiss the petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

January 21, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No