

111 2<sup>nd</sup> case

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-2876-2021

Date of decision: November 22, 2021

M/s I World Business Solution Private Ltd.

...Petitioner

Versus

Arvind Sahni

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Ritika Kohli, Advocate for the petitioner.

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ARUN MONGA, J. (ORAL)

Petition herein is against order dated 13.10.2021 (Annexure P-1) passed by learned Rent Controller, Gurugram, whereby, application filed by the petitioner seeking rejection of ejectment petition filed by the respondent has been dismissed.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. No interference is called for in the order assailed herein, which is premised, *inter alia*, on the following reasoning:

“XXX XXX XXX

5. By way of preferring the instant application the respondents have sought the rejection of the petition on the ground that the compliance of Rule 4, 5 and 6 of the Haryana Urban (control of Rent and Eviction) Rules, 1976 has not been made by the petitioner. However, the said contentions of the respondents have been refuted by the petitioner. It is relevant to mention here that qua Rule 4 the respondents have only mentioned that the said Rule has not been followed by the petitioner in the petition but at the same time it has not been explained or disclosed as to how come the petitioner has not complied the Rule 4. As such, it seems a vague objection of the respondents.

Regarding the Rule 5, it is submitted by the respondents that the verification of the petition is not in

*consonance with the statutory provision of Rule 5. To this, the learned counsel for the petitioner has relied upon the case BhikjiKeshao Joshi and Another Versus Brij Lal Nand Lal Biyani and others AIR 1955 Supreme Court SC 610 wherein the Hon'ble Supreme Court of India has clearly held that if a verification clause refers to the entirety of a petition then the absence of enumeration of the various paragraphs therein cannot be considered to be a defect. Further, the Hon'ble Supreme Court has also held that even in cases where the verification of plaint is defective it should not be rejected but an order should be made for its amendment. The Supra authority completely fits into the situation occurred in the instant case.*

*Now, coming to the factum of non-compliance of Rule 6 as alleged by the respondents that the description and boundaries of the premises in question has not been disclosed/given by the petitioner. To this, the petitioner has taken a stand that he has already mentioned the name and number along with the address of the premises in question in para No.1 of the petition which is evident and as such, it cannot be said that the petitioner has not complied Rule 6.*

*Regarding the objections of 50% ownership of petitioner qua the premises in question it is alleged by the petitioner that the share of the joint owners of premises in question is still undivided being brothers and the respondents have entered into separate lease deeds in respect of the same. The aforesaid clarification given by petitioner in reply to the instant application speaks volume about the objection taken by the respondents. Otherwise also, it is not a case wherein the tenants/respondents have denied their tenancy under the petitioner being their landlord. The lease deed on record executed between petitioner and respondents is evident of the fact that the premises in question were taken on lease by the respondents from the petitioner. Since, the respondents being tenants are occupying the premises in question therefore it does not lie in their mouth as to which of the 50% share the petitioner was supposed to mention the boundaries to identify the suit property. It seems a clever ploy on the part of the respondents to allege such facts which are completely unwarranted when they are already occupying the premises in question being tenants.*

*6. As such, the application is denuded of force and is hereby dismissed. However, the petitioner is at liberty to remove the procedural defects of verification of petition by way of amendment. Nothing herein before discussed shall have any bearing on the merits of the case."*

4. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this court.

5.                There is no room for interference in the aforesaid valid reasons  
recorded by the trial Court, with which I am in agreement.

6.                Dismissed.

**(ARUN MONGA)**  
**JUDGE**

**November 22, 2021**  
vandana

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |