

CM-12599-CII-2021 in/and
CR No.7267 of 2019 (O&M)
Date of Decision: 24.11.2021

Parveen Kumar

.....Petitioner

Versus

Vishal Jindal

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Sushil Jain, Advocate,
for the applicant-petitioner.

Mr. V.K. Jindal, Senior Advocate with
Mr. Munish Kumar Garg, Advocate,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)**CM-12599-CII-2021**

This is an application filed under Section 151 CPC for staying the further proceedings pending before the trial Court or in the alternative stay of passing of final order during the pendency of the present revision petition.

Notice in the stay application.

Mr. Munish Kumar Garg, Advocate assisting counsel of Mr. V.K. Jindal, Senior Advocate accepts notice on behalf of the respondent and submits that instead of arguing the application for stay, the main petition be taken up for hearing today and be decided. The counsel for the petitioner has also agreed to this.

In view of the above, the application for stay disposed of as having been infructuous and with the consent of both the parties, the main petition is preponed to today for final disposal.

Main Case

This is a petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 25.09.2019 (Annexure P-5) passed by the Civil Judge (Junior Division), Jind, whereby the application filed by the petitioner under Order 6 Rule 17 CPC for amendment in the written statement was dismissed.

After arguing for some time, learned counsel for the parties have agreed that the amendment sought by the petitioner can be permitted, subject to the condition that the proceedings of the eviction petition; pending before the Rent Controller; are taken up in the right earnest and not delayed unnecessarily.

Accordingly, without commenting much upon the merits of the order passed by the Rent Controller, the same is set aside in view of the above said statements made by the counsel for the parties. Accordingly, the amendment sought by the petitioner is allowed.

However, it is further ordered that the petitioner herein, shall be permitted only two opportunities to lead and complete his entire evidence, whatever he wants to lead. These two opportunities to lead the evidence are restricted to be granted within a period of two months from the date next fixed before the Rent Controller. Thereafter, the respondent herein-landlord, shall also be granted one opportunity to rebut the evidence, if he so desires. The said opportunity to rebut the evidence shall also be restricted to be availed within a period of one month from the date of completion of the evidence of the petitioner-tenant.

With the above directions, the present revision petition is disposed of.

Needless to say that after the evidence of the parties is completed, the Rent Controller would decide the eviction petition as expeditiously as possible.

All the pending application stands disposed of.

(RAJBIR SEHRAWAT)
JUDGE

24.11.2021
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No