

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 454 of 2022

Date of Decision: 10.02.2022

Mohammad Mustaq

... Petitioner(s)

Versus

Charan Dev Singh Dyal alias Charan Dev

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikram Bali, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner is a tenant. He is defending the petition under Section 24 of the Punjab Rent Act, 1995 (hereinafter referred to as “the 1995 Act”) seeking his ejectment from the shop. An application was filed by the petitioner under Order VI Rule 16 CPC to strike off the additional pleadings.

2. Some facts are required to be noticed. The respondent is a landlord. A new Act, namely the Punjab Rent Act, 1995, has been enacted by the legislature. There was a litigation in the high Court about the 1995 Act. Initially, the powers of the Rent Controller were conferred to the Executive Authorities, which was the subject matter of litigation. Ultimately, the government amended the 1995 Act and notified that the Civil Judges shall act as the Rent Controllers. The respondent has filed a previous petition before the Rent Controller. Subsequently, when the previous petition was at

the initial stage, he filed an application to withdraw the previous petition

with permission to file a fresh one in proper form as per the 1995 Act. The aforesaid permission was granted on 02.03.2019 with the following order:-

“I have considered the rival contentions and have perused the record carefully. Instant case is at very initial stage. Petitioner seeks to withdraw the petition to file it afresh in proper form as per Punjab Rent Act. Without going into merits of the petition, I am of the considered opinion that withdrawing of this petition and filing fresh petition as per stipulated technical requirements is not going to cause prejudice to respondent who would have liberty to file application seeking permission to leave to contest any petition filed afresh by same petitioner. In order to prevent proliferation of litigation on mere technicality it is in the interest of justice to grant permission to petition to withdraw this petition with liberty to file fresh as per relevant law. Thus, instant application is allowed subject to condition that petitioner in case of filing afresh petition before any Court, petitioner will compensate respondent, upon his service, with costs of Rs.2,500/-(Two Thousand Five Hundred Only) for the inconvenience caused by withdrawal of this petition”.

3. The respondent, thereafter, filed a fresh petition. The tenant, as already noticed, filed an application contending that the respondent has made significant improvements from the previous petition. The Rent Controller dismissed the application.

4. Heard the learned counsel representing the petitioner and with

his able assistance, perused the paper-book.

5. The learned counsel representing the petitioner contends that once the previous petition was withdrawn with a liberty to file a fresh one in a proper form, then the respondent could not make improvements.

6. This Court has considered the submissions, however, find no merit. While granting permission on 02.03.2019, the Rent Controller did not impose any restrictions. In any case, this is a fresh petition. Hence, the landlord is entitled to put forth his case. Consequently, no ground is made out to interfere and the present revision petition is dismissed.

7. Needless to observe that the rent authority will proceed to decide the case without being influenced by the observations made in this order.

(Anil Kshetarpal)
Judge

February 10, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No