

133

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

CR No.2916 of 2022 (O&M)

Amarjit Singh

...Petitioner

Vs.

Smt. Pooja Sehgal

...Respondent

2

CR No.2919 of 2022 (O&M)

Pavitar Singh

...Petitioner

Vs.

Smt. Pooja Sehgal

...Respondent

3

CR No.2925 of 2022 (O&M)

Ashwani Kumar

...Petitioner

Vs.

Smt. Meenu Sehgal and another

...Respondents

Date of decision-27.07.2022

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashwani Talwar, Advocate for the petitioner(s).

MANOJ BAJAJ, J. (Oral)

Petitioner(s)-tenant(s) have filed these separate petitions to challenge the impugned order dated 18.05.2022 passed by the Rent Controller, Jalandhar whereby their respective application seeking framing

of additional issues has been partly allowed.

Since, the tenant(s) have set up a common ground, therefore, these petitions are being decided by a common judgment, and facts are being extracted from Civil Revision No.2916 of 2022 arising from eviction petition filed under Section 13 of East Punjab Urban Rent Restriction Act of 1949 by Pooja Sehgal against tenant Amarjit Singh. The connected revision petition bearing CR No.2919 of 2022 filed by tenant-Pavitar Singh also arises from eviction petition by Pooja Sehgal, whereas CR No.2925 of 2022 arises from an eviction petition filed by Meenu Sehgal (relative of Pooja Sehgal) against Ashwani Kumar and Rakesh Kumar.

Briefly, the facts leading to the revision petition are that the respondent (landlady) filed petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 seeking eviction of tenant (petitioner) from the demised property described in the site plan, claiming herself to be the owner of the property, on the strength of sale deed dated 18.03.2013 (Annexure P-3) executed in her favour. The tenancy commenced with the execution of the rent note (Annexure P-4) executed between the tenant and previous owner and grounds of eviction are set out in Para 3 of the eviction petition (Annexure P-2). The eviction petition is being contested by the tenant by filing respective written statement (Annexure P-5). Further, landlady controverted the written statement by filing replication.

After completion of pleadings, the Rent Controller on 07.05.2019 framed following issues:-

“1. Whether respondent is liable to be evicted from the demised premises on account of personal use and

occupation of the petitioner? OPP

2. *Whether present suit is not maintainable in the present form? OPR*

3. *Whether the petitioner has no cause of action to file the present petition? OPR*

4. *Relief.”*

Thereafter, the parties adduced their respective evidence and after recording the deposition of tenant(s) as RW-1, they filed applications in their respective cases seeking framing of additional issues. The proposed issues are as under:-

“a. Whether the site plan attached with petition is not correct as per actual and factual position and whether proper boundaries, measurement and description of property as well as shop in question have not been correctly mentioned?

b. Whether the shop in occupation of respondent allegedly purchased by petitioner is the identical that of shown in site plan?

c. Whether the petitioner has not come to the Court with clean hands.?

d. Whether the petitioner became the landlord of respondent by stepping into shoes of landlord Yashpal Singh?”

The application was contested by the opposite party by filing reply and the Rent Controller, Jalandhar vide impugned order dated

18.05.2022 partly allowed the application and framed the following additional issues:-

“2A Whether the site plan produced by the petitioner with petition is wrong and not as per actual and factual at the spot? OPR And

1A Whether there exists relationship of landlord and Tenant between the parties. OPP”

Learned counsel for the petitioners has argued that though the Rent Controller has framed two additional issues, but erroneously declined to frame other additional issues relating to the stand of tenants disputing sale deed set up by the landlady, as well as in respect of the identification of property occupied by them which is different from the property purchased by the landlady. He submits that if, proper issues are framed, it would not only facilitate the Rent Controller to adjudicate the dispute between the parties effectively, but would be also necessary for the rival party to understand the points of conflict and would further help them in adducing the relevant evidence. Mr. Talwar, learned counsel states that in case the additional issues as proposed by the tenant(s) are framed, no prejudice would be caused to the other side, therefore, the impugned order warrants interference. In support of his case, learned counsel has relied upon judgment passed in Civil Appeal No.759 of 1980 titled ***Devi Das Vs. Mohan Lal***, decided on 25.03.1980 and ***Chander Bhan, Postman Vs. Jai Parkash and another***, 1992(2) RCR (Rent) 620.

After hearing the learned counsel and considering the above background, this Court finds that the pleadings of the parties were

completed long back and initially the issues were framed on 07.05.2019 and thereafter, the application for framing additional issues was filed after recording the deposition of the tenant(s), and at that stage, the parties had already understood the case set up by their rivals. The object and purpose of framing of issues is meant to make aware the opponent about the pleadings which are controverted, and to enable the party to lead relevant evidence. Once, the respondent-landlady has relied upon the sale deed dated 18.03.2013, and while controverting her stand of ownership, tenant(s) have pleaded ignorance about the instrument of sale, the framing of additional issues as proposed by tenants do not appear to be necessary, as the controversy between the parties can be adjudicated on the basis of existing issues i.e. *“whether there exists relationship of landlord or tenant between the parties?”*, and *“whether the site plan produced by the petitioner with petition is wrong and not as per actual and factual at the spot?”* Thus, these issues are clear and widely cover the essence of dispute between both the parties, therefore, framing of remaining proposed issues do not appear to be necessary. The judgments relied upon by the learned counsel for the petitioners are not applicable in the facts of these cases, as in the cited cases, the correctness and validity of the sale deed in favour of the landlord was questioned by the tenants.

By now, it is well settled law that once the parties have adduced their evidence keeping in mind the respective pleadings of the parties and merely because an issue is not framed, it cannot be said that the suit proceedings are vitiated. A perusal of the impugned order shows that the Rent Controller has carefully examined the material before it and has passed

reasoned order, which does not suffer from any illegality or impropriety, therefore, no interference is warranted by this Court.

The revision petitions are dismissed.

(MANOJ BAJAJ)
JUDGE

27.07.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No