

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

CR-4006-2022 (O&M)

Date of Decision: November 22, 2022

Kanta Jain

...Petitioner

AND

Om Parkash (since deceased) through his LRs

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 21.10.2021 (Annexure P-1), whereby, an application under Section 17 of the Provincial Small Cause Courts Act, 1887, dated 09.08.2021 (Annexure P-10), filed by the petitioner-landlady, for issuance of directions to respondent to furnish security, for due performance of decree dated 18.02.2017, has been dismissed by learned Civil Judge (Sr. Divn.).

The impugned order is dated 21.10.2021, which relates to application under Section 17 of the Provincial Small Cause Courts Act, 1887. Today, the information, so received, under RTI Act, by husband of the petitioner, has been placed on record by learned counsel, which states about there to be no Small Cause Court, under the Provincial Small Cause Courts Act, 1887, established in State of Haryana.

In the light of the same, the application under Section 17 of the Provincial Small Cause Courts Act, 1887, as filed by the petitioner, vis-a-vis, setting aside of the ejectment order dated 18.02.2017 passed by learned Rent Controller. Whatsoever may be the position, relating to the arrears of rent or consequences of the ejectment order, so passed by the Court, but however, since 'Small Cause Court' under the Provincial Small Cause Courts Act, 1887, as per information, today furnished, does not exist, the application under Section 17 of the Provincial Small Cause Courts Act, 1887, was not maintainable.

In the light of the same, present revision petition is also not maintainable. Hence, the same stands dismissed, being not maintainable.

However, the petitioner shall be at liberty to seek any remedy, vis-a-vis, recovery of the arrears, in pursuance of the ejectment order, so passed by the Court below.

November 22, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No