

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6028 of 2019 (O&M)

Date of Decision: 05.08.2022

M/s Barkat Ram Varinder Kumar and Another

... Petitioner(s)

Versus

Sh.Atul Kapoor alias Atul Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Brij Mohan Vinayak, Advocate
for the petitioner(s).

Mr. Lovish Rattan, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. The petitioners are stated to be the tenants under the respondents. An application for their eviction, under the East Punjab Urban Rent Restriction Act, 1949, is pending before the Rent Controller.

2. The petitioners' application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") for outrightly rejecting the eviction petition on the ground that a previous petition filed by the landlord was dismissed under Order XVII Rule 3 CPC, has been dismissed by the Rent Controller.

3. The learned counsel representing the petitioners contends that the second eviction petition is barred as the previous petition was dismissed under Order XVII Rule 3 CPC.

11 CPC, only the contents of the petition/plaint are to be seen. This Court has gone through the application for seeking ejectment of the petitioners. From the perusal thereof, the petition does not appear to be barred under any provision of law. Moreover, the tenants are required to plead and prove the facts before the Court. At this stage, rejecting the petition for eviction would not be appropriate.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 05, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No