

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

120

CR-947-2022

Date of decision: 17.03.2022

Sachin Jagota and others

.....Petitioners

Versus

Deepak Kapoor

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.D. Sharma, Sr. Advocate with
Mr. K.R. Sharma, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.

The instant revision petition has been filed under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 (for short, 'the Act') read with Article 227 of the Constitution of India for setting aside the order dated 15.09.2021 (Annexure P-11) vide which the Rent Controller, Rupnagar dismissed the application filed by petitioner No.1 for discarding the rejoinder dated 10.12.2020 of the respondent.

Learned senior counsel for the petitioners *inter alia* contends that after the respondent-landlord filed a petition under Section 13 of the Act (Annexure P-1), petitioner No.1 filed his written statement on 19.05.2017 and thereafter the case was adjourned to 17.07.2017 for filing of rejoinder and framing of charges. However, no rejoinder was filed by the respondent-landlord on the said date and with the consent of both the parties issues were framed. The case was then adjourned for evidence of the respondent for 25.09.2017, however, the respondent did not produce any evidence and the case was again adjourned to 21.11.2017. Despite availing a number of opportunities, the respondent did not lead evidence but filed rejoinder after framing of

issues, which was not permissible under the provisions of law. Learned senior counsel while impugning the order passed by the Rent Controller (Annexure P-11) submits that once the issues had been framed under Order 14 of the Code of Civil Procedure, 1908 (hereinafter called as 'CPC') and evidence too had commenced under Order 16 of CPC there was no provision under the Act and the Code of Civil Procedure to file a rejoinder, therefore, the same could not be filed as it was against the provisions of CPC and the settled law. He submitted that by filing the rejoinder, the respondent-landlord was trying to set up an altogether new case and on this ground alone the rejoinder filed by him should have been discarded by the Rent Controller.

I have heard learned senior counsel and perused the relevant material placed on record.

It needs to be noticed that the petition under Section 13 of the Act was filed initially against petitioner No.1-Sachin Jagota on 02.08.2016. No doubt the issues were framed by the Rent Controller vide order dated 17.07.2017, however, in his written statement petitioner No.1-Sachin Jagota pleaded that his father, Ved Parkash Jagota had inherited tenancy rights in the demised shop after the demise of his grand father Baij Nath Jagota hence, after the death of his father his two sons, wife and four daughters too had inherited the tenancy rights and as such were necessary parties to the petition filed under Section 13 of the Act. Resultantly, all the legal heirs of Ved Parkash Jagota were impleaded as respondents in the ejectment petition and amended title was accordingly filed in the case before the Rent Controller on 02.01.2019. After the newly impleaded respondents

submitted their written submissions/reply to the ejectment petition, the respondent-landlord filed his rejoinder to their written submissions. Hence, it is very evident that after the amended title had been filed the case was reopened and issues were re-framed after taking into account the pleadings of both the sides. The newly impleaded respondents filed their written submissions/reply on 12.03.2020 and thereafter the respondent-landlord filed his rejoinder to the reply, filed by the newly impleaded respondents. In the circumstances, the respondent-landlord had every right to controvert the contents of the written statement filed by the newly impleaded respondents.

This Court, therefore, does not find any infirmity much less illegality in the impugned order vide which the application of the petitioners-tenants for discarding the rejoinder filed by the respondent landlord was dismissed.

Dismissed.

17.03.2022

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No