

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CR No.93 of 2023 (O&M)

Date of decision: 23.01.2023

Gopal Krishan

....Petitioner

Versus

Rishi Pal and another

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr.Rishi Pal Singh, Advocate for the petitioner.

B.S.WALIA, J.(Oral)

[1] Challenge in the instant petition is to order dated 17.11.2022 passed by the learned Rent Controller, Jagadhari (Annexure P-5) dismissing the application for amendment of the petition filed by the petitioner on account of subsequent events. Operative part of the impugned order reads as under:

“The applicant/tenant has filed the application without any supportive document that the petitioner owns another property as averred nor any copy of such publicized circulation is attached with the application regarding sale of the shops. No title deed or ownership document in the name of Rishi Pal is placed the file by the applicant alongwith the application in order to prima-facie establish his version. So, merely on the oral assertions made in the application which is not supported by any document and affidavit, the request so made can not be entertained. Hence, application in hand stands dismissed.”

[2] On query, learned counsel for the petitioner states that the petitioner had furnished copy of the advertisement Annexure P-6 in support of the plea of the respondent-landlord having duly publicised the sale of

shops known as Kalyan Complex, Jagadhari and had also filed the same before the learned trial Court but the same was neither considered nor adjudicated upon by the learned trial Court.

[3] At the outset, learned counsel prays that he does not press the petition but prays for permission to withdraw the same with liberty to the petitioner to take out appropriate proceedings before the learned trial Court in accordance with law in the light of Advertisement (Annexure P-6).

[4] In view of the position as stated above as well as the statement made by learned counsel for the petitioner, the instant petition is dismissed as withdrawn with the liberty as prayed for.

(B.S.Walia)

Judge

23.01.2023

Meenu

Whether speaking/non speaking : Yes/no

Whether reportable : Yes/No