

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(1) CR No.1603 of 2024
Date of Decision: 09.04.2024

Ravi Goyal @ Ravi @ Billu
...Revisionist-Petitioner
Versus

Dr. Jeewanjoat Kaur
...Respondent

(2) CR No.1605 of 2024
Tarsem Lal
...Revisionist-Petitioner
Versus

Dr. Jeewanjoat Kaur
...Respondent

(3) CR No.1838 of 2024
Karnail Singh
...Revisionist-Petitioner
Versus

Dr. Jeewanjoat Kaur
...Respondent

(4) CR No.1845 of 2024
Kuldeep Kumar @ Kalu
...Revisionist-Petitioner
Versus

Dr. Jeewanjoat Kaur
...Respondent

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rajinder Kumar Singla, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J.

All the four afore-captioned revision-petitions are being taken up together for discussion and adjudication as the similar questions of law and facts are involved therein.

2. Bereft of unnecessary details, the common facts, emanating from the perusal of the files and culminating in the filing of the present revision-petitions, are that the respondent filed the ***Rent Petition Nos.18, 20, 21 and 19 of 2022*** against the petitioners in ***CR Nos.1603, 1605, 1838 and 1845 of 2024*** respectively, for seeking their eviction from the demised shops on the grounds of non-payment of rent and the *bona-fide* requirement of these shops for her personal use. In their respective written-statements, the petitioners denied the factum of the respondent being the owner of the demised shops and also their tenancy under her and they, rather, asserted that these shops were constructed on the land belonging to the Government. The respondent filed rejoinders in the above-referred Rent Petitions. Then, the petitioners filed the applications (annexed as P-4 in all the petitions) under Order 8 Rule 9 read with Section 151 CPC for seeking the permission to file their additional written-statements to the rejoinders, while averring that new grounds and facts had been added in the rejoinders and the afore-said applications have been dismissed by the Rent Controller vide the impugned orders (Annexures P-7) passed on 21.02.2024.

3. I have heard learned counsel for the petitioners in these revision-petitions, at the preliminary stage and have also perused the files carefully.

4. Learned counsel for the petitioners contends that the respondent has pleaded the new facts and grounds in her rejoinders and therefore, it is essential for the petitioners to rebut the same by filing the additional written-statements but vide the impugned orders, the Rent Controller has wrongly dismissed the applications, filed by the petitioners for the above-said purpose and in these circumstances, it becomes explicit that the said orders are not legally sustainable and hence, the same deserve to be set aside. To buttress his contentions, he has placed reliance upon the judgments handed down by the Co-ordinate Bench in **Hakam Singh Vs. Jagir Singh and others, 1991(2) R.R.R 170** and by the Rajasthan High Court (Jaipur Bench) in **Arvind Kumar Jain and others Vs. ICICI Bank Ltd and others, 2022(4) CCC 565.**

5. However, the afore-raised contentions are devoid of any merit because throughout in their applications (annexed as P-4), the petitioners have not even whispered about the new facts and grounds, as allegedly introduced/ added by the respondent in her rejoinders. It is also worth-while to mention here that in paras No.1 to 4 in the Rent Petitions, the respondent has made categorical averments, disclosing therein the chain of events, resulting into her title qua the demised shops but in their written-statements, the petitioners have denied the factum of her ownership over these shops and also of their tenancy under her and in her rejoinders (annexed as P-3), the respondent has merely explained the above-referred facts, as already canvassed by her in the afore-indicated paras in the Rent Petitions. To cap it all, it has specifically been mentioned in the impugned orders that the issues had been framed and two witnesses had also been examined by the respondent in her evidence, prior to the filing of the above-mentioned applications by the petitioners. It being so,

this Court is of the considered opinion that the petitioners do not have any occasion to file the additional written-statements.

6. The observations, as made in **Hakam Singh (supra)** and **Arvind Kumar Jain and others (supra)**, are of no avail to the petitioners, as the facts and circumstances of the present case are quite distinguishable from those of the cited above. In **Hakam Singh (supra)**, at the time of filing the Suit, the petitioner had failed to disclose as to in which capacity he was in possession of the suit property and in his replication, he had pleaded for the first time that the suit property was Joint Hindu Family Property and he was a *co-parcener* whereas in the instant case, the respondent has categorically disclosed in the Rent Petitions as to how she had become the owner of the demised shops. In **Arvind Kumar Jain and others (supra)**, the petitioners were allowed to file rejoinder to the written statement as the respondents took certain preliminary objections therein but it is not so in the instant case, as observed earlier.

7. As a sequel to the fore-going discussion, it follows that the impugned orders do not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petitions in hand, being *sans* any merit, stand dismissed.

09.04.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*