

2024:PHHC:079406



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

130

CR-2926-2024**Date of Decision: 23.05.2024****SURESH SONI**

...Petitioner

Versus

REETU ANAND

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Vikas Jain, Advocate
for the petitioner.

Mr. Ankit Chaudhary, Advocate
for the respondent-caveator.

VIKAS SURI, J. (ORAL)

1. The instant revision petition has been preferred by the petitioner-tenant for setting aside the order dated 09.10.2023 (Annexure P-12) passed by the learned Rent Controller, Chandigarh whereby the application preferred by the petitioner for adjudicating upon the application for grant of leave to defend, prior to proceeding with the application filed by the respondent-landlord seeking amendment of the rent petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, was dismissed.

2. After briefly putting forth their respective case, learned counsel for the parties are *ad idem* that no adjudication is required qua the impugned order in case the petitioner-tenant is afforded an opportunity to amend his application for leave to defend, in case the application seeking amendment

of order in case the petitioner-tenant is afforded an opportunity to amend his application for leave to defend, in case the application seeking amendment of rent petition is allowed and only thereafter, the application seeking leave to defend be decided by the considering all the pleas raised by the parties as well as the case law pressed into service by them. It is further a common case of the parties that they would be entitled to raise all pleas, as available in law, for consideration on the application seeking amendment of the rent petition under Order 6 Rule 17 CPC.

3. In view of the submissions made by learned counsel for the parties, noticed above, the present petition is disposed of with the direction to the learned Rent Controller to proceed in the matter and after considering all the issues raised by the parties as well as those that may come into being if the amendment of the rent petition is allowed or those from consequential amendment of the application for leave to defend as well the case law relied upon by them, in accordance with law.

4 Learned counsel for the parties do not dispute the proposition that the right to amend the application for leave to defend would also be available to the petitioner-tenant in case the application preferred by the respondent-landlord seeking amendment of the rent petition, is allowed.

5. Accordingly, the present petition is disposed of with the aforesaid observations.

May 23, 2024

(VIKAS SURI)
JUDGE

Shruti

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