



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

**115**

**CR-3126-2024 (O&M)  
Date of Decision : 23.10.2024**

BEANT KUMAR .... Petitioner

**VERSUS**

SHREE SANATAN DHARAM SABHA (REGD.) .... Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Mona Goyal, Advocate for the petitioner.

**ALKA SARIN, J. (ORAL)**

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 27.03.2024 (Annexure P-1) passed by the learned Rent Controller, Bathinda whereby the application filed for framing an issue regarding bar of jurisdiction has partly been allowed inasmuch as though the said issue has been framed, however, the same has not been treated as a preliminary issue.
2. Learned counsel for the tenant-petitioner would contend that though an issue regarding bar of jurisdiction has been framed by the learned Rent Controller concerned, however, the same has not been treated as a preliminary issue. In support of her arguments, learned counsel for the tenant-petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in **Sukhbiri Devi & Ors. V/s Union of India & Ors. [2022 (4) RCR (Civil) 419]**.
3. Heard.

4. In the present case the application was filed for framing of an issue regarding bar of jurisdiction and further for treating the same as a preliminary issue after amendment to the written statement was permitted and the tenant-petitioner was allowed to raise the legal objection regarding bar of jurisdiction. The issues were framed by the learned Rent Controller concerned on 10.08.2017. Thereafter the landlord-respondent herein examined four witnesses and closed his evidence. On 22.08.2023 the learned Rent Controller concerned allowed the application for amendment to the written statement for adding the legal objection regarding jurisdiction of Rent Tribunal. Thereafter the learned Rent Controller vide the impugned order allowed the application to the extent that the additional issue regarding bar of jurisdiction was framed as issue No.5 by re-casting the issues, however, since the evidence of the landlord-respondent had already been closed, the learned Rent Controller dismissed the plea for treating the said issue as a preliminary issue.

5. The judgment relied upon by the counsel for the tenant-petitioner in the case of **Sukhbiri Devi** (supra) would be of no help inasmuch as the said judgment relates to the issue of limitation and that it can be framed as a preliminary issue when it is to be decided on admitted facts. In the present case the issue is regarding jurisdiction and since the landlord-respondent has already led his evidence, the learned Rent Controller has rightly held that the said issue cannot be treated as a preliminary issue.

6. Further, the Hon'ble Supreme Court in the case of **The Agricultural Produce Marketing Committee, Bangalore V/s The State of Karnataka & Ors. [2022 (2) RCR (Civil) 497]** has held as under :

*'8.4 Therefore, the courts should adjudicate on all the issues and give its findings on all the issues and not to pronounce the judgment only on one of the issues. As such it is the duty cast upon the courts to adjudicate on all the issues and pronounce the judgment on all the issues rather than adopting a shortcut approach and pronouncing the judgment on only one issue. By such a practice, it would increase the burden on the appellate court and in many cases if the decision on the issue decided is found to be erroneous and on other issues there is no adjudication and no findings recorded by the court, the appellate court will have no option but to remand the matter for its fresh decision. Therefore, to avoid such an eventuality, the courts have to adjudicate on all the issues raised in a case and render findings and the judgment on all the issues involved'.*

7. In view of the above, I do not find any merit in the present revision petition. The petition, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

**23.10.2024**

*Aman Jain*

**(ALKA SARIN)**

**JUDGE**

NOTE:

*Whether speaking/non-speaking: Speaking*

*Whether reportable: Yes/No*