



CR-6316-2024

-1-

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

(114)

CR-6316-2024

Date of decision: - 13.11.2024

Kayaan Marketing and Distribution Pvt. Ltd.

....Petitioner

Versus**Candor Gurgaon One Realty Projects Pvt. Ltd.**

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Chetan Mittal, Senior Advocate with
Mr. Akshay Mittal, Advocate,
Mr. Ivan Singh Khosa, Advocate,
Mr. Himanshu Gupta, Advocate
Mr. Ritvik Garg, Advocate, and
Ms. Shifali Goyal, Advocate,
for the petitioner.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Vipul Joshi, Advocate and
Mr. Ajay Bhargava, Advocate
(Through Video Conferencing)
Ms. Raddhika Tandon Khanna, Advocate and
(Through Video Conferencing)
Mr. Piyush Kumar, Advocate for the respondent-Caveator.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for quashing of the impugned order dated 19.09.2024 (Annexure P-1) passed by the Rent Controller, Gurugram in case bearing No.RP/36/2023, registered on 18.04.2023 vide which the application for rejection of the plaint has been



CR-6316-2024

-2-

dismissed.

2. Learned senior counsel appearing for the petitioner has submitted that they had already filed a written statement and would be filing an application for amendment of the said written statement alongwith the amended written statement on or before 18.11.2024. It is further submitted that the amendment, which would be carried out is to elaborate the plea of bar of jurisdiction of the Rent Controller to adjudicate the present case, although, the said plea has already been taken in the written statement.

3. Learned senior counsel for the respondent has submitted that in case, an application for amendment is filed only to elaborate the plea with respect to the jurisdiction of the Rent Controller, then, they have no objection if the same is allowed and the amended written statement is taken on record on the same day i.e. 18.11.2024. It is further submitted that, however, two weeks be granted to file the replication to the said amended written statement.

4. During the course of arguments, learned senior counsel for the petitioner as well as learned senior counsel for the respondent have jointly submitted that the issue with respect to jurisdiction be treated as preliminary issue and the same be decided in accordance with law.

5. With the consent of the learned senior counsel for the petitioner and learned senior counsel for the respondent, the present revision petition is disposed of with the following



CR-6316-2024

-3-

observations/directions:-

- (i) It would be open to the petitioner to file an application for amendment alongwith the amended written statement on or before 18.11.2024 for the purpose of elaborating the plea of jurisdiction. In case, such an application for amendment of the written statement is filed on or before 18.11.2024, then, the same would be allowed and the amended written statement would be taken on record.
- (ii) The trial Court would grant two weeks time to the respondent to file replication to the said amended written statement.
- (iii) After the pleadings are complete, within a period of three weeks of the same, the trial Court would frame the issues and the issue with respect to jurisdiction would be treated as a preliminary issue.
- (iv) The trial Court would, before proceeding further, decide the said preliminary issue as expeditiously as possible.
- (v) It would be open to both the parties to raise all pleas as are available to them on the preliminary issue, in accordance with law, which would be considered independently by the trial Court.

November 13, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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