



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-2417-2024(O&M)

Date of decision : 01.05.2026

Sharvari Dahra

... Petitioner

Versus

Rahul Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.N.K. Banka, Advocate and
Ms.Nirmal Kaur, Advocate
for the petitioner.

Ms.Juhi Goel, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 21.03.2024 passed by the Rent Controller, Chandigarh, vide which the application filed by the petitioner to strike off the previous written statement and to file fresh written statement has been disposed of.

2. Learned counsel for the petitioner has submitted that vide impugned order dated 21.03.2024, the Rent Controller has passed a strange order, inasmuch as, the earlier written statement has not been permitted to be withdrawn and the petitioner has been permitted to file the second



written statement. Reference has been made to the notice of motion order dated 24.04.2024 passed by the Co-ordinate Bench of this Court, which is reproduced hereinbelow:-

*“Present: Mr. Vidul Kapoor, Advocate and
Mr. HPS Bunger, Advocate for the petitioner.

Learned counsel for the petitioner would contend that a written statement was filed by the counsel without her consent admitting the case of the landlord. Subsequently, an application was filed for withdrawal of the said written statement and permission to file a fresh written statement. The learned counsel would further contend that vide the impugned order, though the petitioner has been permitted to file a written statement, however, the earlier written statement has not been permitted to be withdrawn and the written statement has been directed to be treated as an additional/supplementary written statement. The learned counsel would further contend that this would lead to an anomalous situation where there would be two separate stands of the petitioner before the Rent Controller. The learned counsel has further relied upon the judgment of the Hon’ble Supreme Court in the case of Usha Balashaheb Swami & Ors. Vs. Kiran Appaso Swami & Ors. [2007 (2) RCR (Civil) 830].

Notice of motion returnable 18.07.2024. To be shown in the urgent list.

Dasti as well. Liberty is granted to the petitioner to serve the respondent through the counsel representing him before the Court concerned.

Meanwhile, proceedings before the Rent Controller shall remain stayed.

24.04.2024”

3. Learned counsel for the respondent, on the other hand, has argued that the Rent Controller should never have permitted the petitioner to file a second written statement and thus, the said part of the order which permits the petitioner to file the second written statement is not in



accordance with law.

4. Apparently both the sides are aggrieved by the impugned order. During the course of arguments, a very fair stand has been taken by the learned counsel for the petitioner as well as learned counsel for the respondent and on the basis of the same, the present revision petition is partly allowed and the impugned order dated 21.03.2024 is set aside with the following observations / directions :-

- i) The Rent Controller is directed to pass a fresh order on the application filed by the petitioner-tenant to strike off the previous written statement.
- ii) The present order would not be construed as an expression on the merits of the said application and it would be open to both the parties to raise all pleas in support of their respective arguments on the said application.
- iii) The Rent Controller is requested to decide the said application independently in accordance with law within a period of one month from 30.05.2026. Learned counsel for the petitioner and the respondent have assured the Court that the counsel appearing before the trial Court would fully assist the Court in expeditious disposal of the case.

(VIKAS BAHL)
JUDGE

May 01, 2026.
Davinder Kumar

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