



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CR-5496-2025 (O&M)
Date of Decision:-19.08.2025

SHRI RAKESH NANDRA

... Petitioner

Versus

SMT. KAUSHALYA DEVI SINCE DECEASED THROUGH LRS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr.Ravinder Rana, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India, the order dated 20.05.2025 has been assailed, vide which, the application for impounding the rent deed in view of the provisions of Section 17 read with Section 49 of Registration Act, 1908 and Section 35 of Stamp Act, 1899 on account of rent deed being unregistered and unstamped was dismissed.

2. Perusal of the application shows that the application was on account of rent deed not being registered and stamped but the learned Civil Judge, Junior Division, Chandigarh vide impugned order dated 20.05.2025, relevant portion of which is reproduced at page 40 of the paper book, has nowhere dealt with the said ground raised in the application, which reads as under:-

“After hearing the learned counsels for the parties and perusing the case-file carefully, this court is of the considered view that nothing is denied by the defendant qua his possession over the portion of 250 sq. yard at Farm House No. 300, Mauli Jagran, UT, Chandigarh and it is also not denied that the defendant entered into this portion in view of the Rent Deed Ex.PW1/1 dated 29.09.2015 and it was for 2 years, which was to be started from 01.10.2015 to



30.09.2017 and this Rent Deed is to be read for the collateral purposes that to corroborate the factum that the defendant is in possession over the land in question and it is also not denied by the respondent that the plaintiff is the landlady of defendant and he paid rent to her qua the land in question under his possession, so, it appears that the present application has been just move to further delay the decision of the case and nothing else accordingly, the present application is hereby dismissed, being devoid of merits and there is no requirement to impound the present rent deed, which is only to be read only for collateral purposes and when the factum of possession in view of the rent deed Ex.PW1/1 has not been denied by the defendant. Now, the case is adjourned to 25.07.2025 for arguments on the application under Order 6 Rule 17 of CPC for amendment of written statement.”

3. As such, the learned Civil Judge has not exercised the jurisdiction vested upon him and has committed a material illegality. In view of this, the revision petition is allowed and accordingly, the impugned order dated 20.05.2025 is set aside.

4. Learned trial Court is directed to hear the parties and decide the application afresh.

19.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No