



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.674 of 2022 a/w
CMPMO No.70 of 2023
Decided on: 08.08.2025

CMPMO No.674 of 2022

Puran Prakash Goel & another ... Petitioners
Versus
Chaman Lal Vaidya ... Respondent

CMPMO No.70 of 2022

Puran Prakash Goel & another ... Petitioners
Versus
Chaman Lal Vaidya ... Respondent

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?¹Yes

For the petitioner(s) : Mr. H.S. Rangra, Advocate.
For the respondent(s) : Present none.

Ajay Mohan Goel, Judge (Oral)

As both these petitions arise out of the same rent proceedings which have been initiated against the present petitioners by the land owners under the provisions of the Himachal Pradesh Urban Rent Control Act, they are being decided vide common judgment.

2. The petitioners are aggrieved by order dated 16.11.2022, in terms whereof, an application filed by the petitioners under Order 7, Rule 11 of the Civil Procedure Code has been dismissed and also by an order passed by the learned Rent Controller, dated

¹ Whether reporters of the local papers may be allowed to see the judgment?

16.11.2022, in an application filed under Section 151 of the Civil Procedure by the land owners, in terms thereof, the application has been allowed and the prayer of the applicants therein to carry out certain amendments in the petition has been allowed.

3. Learned Counsel for the petitioners herein submitted that the eviction petition was vague, incomplete, was not containing the details of the demised premises and it was in this backdrop that the petitioners filed an application under Order 7, Rule 11 of the Civil Procedure Code. As per him, the application has been erroneously rejected by the learned Court below.

4. Before proceeding further, it may be clarified that in these proceedings, this Court is not dwelling on the issue, as to whether in an eviction petition an application under Order 7, Rule 11 of the Civil Procedure Code is maintainable and this issue is kept open. A perusal of the order passed on the application by the learned Rent Controller demonstrates that the learned Rent Controller was pleased to dismiss the application by *inter alia* holding that whereas a separate application already stood filed by the land owner for the amendment of the petition and further, simply because khasra numbers of the demised premises were not mentioned in the petition, it could not be held that on this count alone, the eviction petition was not disclosing any cause of action.

5. The findings returned by the learned Rent Controller, in the considered view of this Court, do not call for any interference.

This is for the reason that it is a matter of record that an application stood filed by the land owner under Section 151 of the Civil Procedure Code, seeking permission of the learned Rent Controller to carry out certain amendments in the petition which was allowed by the learned Court below vide order of even date, i.e. 16.11.2022.

6. Further, this Court concurs with the findings returned by the learned Court below that mere non mention of certain khasra numbers *per se* cannot be so fatal so as to throw the petitioners in terms of Order 7, Rule 11 of the Civil Procedure Code on the count that the petition did not disclose any cause of action.

7. It is settled law that cause of action is the bundle of facts which a party has to prove in order to obtain a decree in its favour. Therefore, mere remiss in mentioning of the khasra numbers cannot be said to be equivalent to non-disclosure of the cause of action at all in an eviction petition.

8. Now, coming to the other order passed on 16.11.2022, in terms whereof, the application of the land owner for carrying out certain amendments in the rent petition was allowed, this Court is of the considered view that in the light of the reasons mentioned in the order passed by the Court, the same also do not call for any interference. Needful was done by the learned Court below in the interest of justice and to avoid the multiplicity of litigation, otherwise the net result would have had been that the land owner would have had withdrawn the petition with liberty to file a fresh on the same

cause by incorporating the needful.

9. In the light of above findings, as this Court does not finds any reason to interfere with the orders passed by the learned Rent Controller in exercise of its jurisdiction under Article 227 of the Constitution of India, these petitions are dismissed. However, it is clarified that the observations made by this Court are only for the purpose of determination of the these applications and the same shall have no bearing as far as the adjudication on the rent petitions is concerned on the strength of the defence that has been taken by the present petitioners. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

August 08, 2025
(Rishi)