**Before The Learned Rent Controller Shimla**

IN THE MATTER OF:

Petitioner

Versus

Respondent

Reply to the petition filed Under Section 14 of HP Urban Rent Control Act, 1987, on behalf of the respondent

Respectfully Sheweth:

Preliminary Objections:

1. That the petition is not maintainable in view of the fact that the same has been filed with malafide intention to get the respondent harassed and as such, the same is liable to be dismissed.

2. That the present petition is barred by the principle of \_\_resjudicata as the matter in controversy in the present petition as well as in earlier petition on the ground of acquisition of residential accommodation by the \_\_\_\_\_

3. That the petitioner is estopped to file the present petition on his own act, conducts, lapses, omission, commission, acquiescence and deed etc. Hence the petition is liable to be dismissed.

4. That the petitioner has withheld material fact regarding \_\_\_\_\_filing of earlier eviction petition on the same and similar grounds regarding the same premises from the Hon'ble Court and hence, the petition is also liable to be dismissed on the score alone with exemplary costs.

5. That the petitioner has no cause of action and as such, the petition is liable to be dismissed.

**On Merits:**

1. That the contents of para 1 of the petition \_\_\_\_\_\_are has not been filled in as required under law. The petitioner has not given the Municipal No. of the premises as required under the law.

2. That the contents of paras 2 to 4 of the petition need no comments.

3. That the contents of para 5 of the petition are admitted to the extent that the respondent and his family members are occupying the demised premises and rest of the contents of para being wrong hence, categorically denied in toto. It is specifically denied that the respondent has \_\_\_\_\_acquired a vacant residence in the name of his \_\_\_\_\_

4. That the para 6 of the petition need no comments.

5. That the contents of 7 of the petition are not denied. \_\_

6. That the contents of para 8 of the petition are wrong hence denied. It is further submitted that the tenancy of the respondent consists of \_\_\_\_\_two rooms kitchen, bath room and latrine exclusively with common balcony and entrance

7. That the contents of para 9 and 10 of the petition need no comments.

8. That the contents of para 11 to 17 of the petition need no comments. However, it is submitted that after the original agreement was executed there was another compromise /agreement between the parties.

9. That the contents of para 18 (a) of the petition are \_\_\_\_\_admitted to the extent that the wife of the petitioner has purchased a residential set at \_\_\_\_\_\_. Rest of the contents of the para of the corresponding para of the petition being wrong and hence emphatically denied in toto. It is specifically denied that the respondent has any control over the premises acquired by the replying respondent. It is further submitted that the premises which has been purchased by the wife of the respondent is in actual possession of the tenant who was inducted by the previous owner of the premises. It is also further submitted that after the purchase of the premises, the wife of the respondent had filed eviction petition against him but, she has lost in that litigation. It is further submitted that the contents of para 18 (a) (i) of the petition are vague and general. The petitioner has miserably failed to given the actual description of the area of the flat and filed the plan of the premises.

10. That the contents of para 18 (a) (ii) of the petition are wrong and hence categorically denied in toto. \_\_\_\_\_\_\_It is specifically denied that the replying respondent is arrears of rent w.e.f \_\_\_\_\_\_\_\_\_\_\_\_. It is further submitted that the respondent has deposited the rent up to \_\_\_\_\_\_ with the \_\_\_\_\_\_ in case No . \_\_\_\_\_\_ titled as \_\_\_\_\_\_. It is further submitted that even thereafter the petitioner had requested the petitioner to receive rent in cash and issue proper receipt so that he may keep proper accounts and able to get the benefit of income tax for the payment of the same. It is also submitted that the respondent had written letter to the petitioner for the disclosing of his saving bank account so that the respondent may deposit the rent for the concern month in the account without any delay and which may also facilitate the replying respondent to avoid hardship in making of the payment of the rent. The respondent is still having sufficient amount to pay the rent for the month of \_\_\_\_\_\_. It is further submitted that the replying respondent has over paid a sum of Rs \_\_\_\_\_\_/- to the petitioner regarding the rent in previous litigation.

11. That the contents of para 18 (b) of the petition need no comments.

It is, therefore, most respectfully prayed that the present petition of the petitioner may kindly be dismissed with costs in the interest of justice and fair play.

Shimla Respondent

\_\_\_\_\_\_ Through, Advocate

Verification:

I, the above named respondent do hereby verify that the contents of paras 1 to 18 of the reply to the petition are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified here at Shimla on this the \_\_\_\_\_\_.

Respondent