

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

Civil Revision No. 2162 of 2015

Date of Decision: 27.03.2015

Ashish Anand

.....Petitioner

Vs.

Gurkanwal Virk and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anuj Balian, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 30.01.2015 (Annexure P-4), whereby the application moved by the petitioner, under Section 10 of the Civil Procedure Code ('CPC' in short), was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Respondent No. 1 has filed a petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 (for short the Act) seeking ejectment of the petitioner and respondents No. 2 and 3 from the premises, in question. During the pendency of the petition, petitioner moved an application for staying of the proceeding of the present case. The case of the petitioner was that earlier respondent No. 1 had filed a suit seeking ejectment of the petitioner. The said suit was dismissed and the appeal filed by respondent No. 1 against the said judgement and decree was also dismissed by the First Appellate Court. Now the matter is pending before

this Court as respondent No. 1 has filed a Regular Second Appeal. However, now respondent No. 1 has filed the ejectment petition under the Act.

Learned trial Court has rightly dismissed the application moved by the petitioner seeking stay of the proceedings as in the present case issues for consideration are different. In the present case, ejectment of the tenant has been sought on the ground of non-payment of rent and misuse of the property in question and that the respondent No. 1 required the premises in question for his own use and occupation. In the earlier proceedings, the suit had been filed seeking ejectment of the tenant after issuance of notice under Section 106 of the Transfer of Property Act, 1882.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 27, 2015
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