

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Civil Revision No.234 of 2015 (O&M)

Date of Decision: January 13, 2015.

Ramesh Kumar and another

.....PETITIONER(s).

VERSUS

Veena Chopra and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

The revision petitioners have impugned order dated 12.12.2014 passed by Appellate Authority (under East Punjab Urban Rent Restriction Act, 1949), Jalandhar whereby the Rent Controller was directed to record the finding on all the issues framed in the ejectment petition.

Briefly stated, respondents filed application under Section 13 of East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the revision petitioner wherein following issues were framed:-

- (1) Whether there exists relationship of landlord and tenant between the parties ?OPA
- (2) If issue No.1 is proved, whether respondents No.1 & 2 are in arrears of rent w.e.f. .10.2003, if so its effect ?OPA
- (3) Whether respondents No.1 & 2 have sublet the premises in dispute to respondent No.3, if so its effect ?OPA

- (4) Whether respondents are nuisance to the petitioner as well as other neighbours, if so its effect ?OPA
- (5) Whether respondents have impaired the value and utility of the premises in dispute as alleged by petitioner ?OPA
- (6) Whether applicant is estopped by her act and conduct from filing this application ?OPR
- (7) Whether application is bad for mis-joinder of necessary parties ?OPR
- (8) Relief.

Rent Controller while deciding issue No.1 held that the respondents-landlord had failed to prove relationship of landlord and tenant between the parties and finding on this issue were recorded against the respondents-landlord. The findings on other issues No.2 to 5-A were not recorded in view of findings on issue No.1.

Learned counsel for the revision petitioners has argued that when there existing no relationship of landlord and tenant, there is no purpose to record findings on issues as to whether respondents were in arrears of rent, have sublet the demised premises, impaired the value and utility of the premises and the same has become unfit and unsafe for human habitation.

The above arguments of learned counsel for the petitioners are without merits. It is no more res integra that findings are required to be recorded on all the issues when the parties have led the evidence on the same. Before the Rent Controller, the parties have led evidence on all the issues but the learned Rent Controller restricted the finding only on

issue No.1. Issues No.2 to 5-A have not become redundant in view of finding of the Rent Controller on issue No.1. This approach of the Rent Controller will unnecessarily delay the matter in the event of finding recorded by him on issue No.1 being set aside in appeal, revision or at any stage. In case ***Chandradhoja Sahoo Vs. State of Orissa and others*** 2013(3) R.C.R. (Civil) 60, Hon'ble Supreme Court has observed as follows:-

“19. We also deem it necessary to reiterate herein a fundamental principle of law that all courts whose orders are not final and appealable, should take notice of. All such courts should decide the lis before it on all issues as may be raised by the parties though in its comprehension the same can be decided on a single or any given issue without going into the other questions raised or that may have arisen. Such a course of action is necessary to enable the next court in the hierarchy to bring the proceeding before it to a full and complete conclusion instead of causing a remand of the matter for a decision on the issue(s) that may have been left undetermined as has happened in the present case. The above may provide a small solution to the inevitable delays that occur in rendering the final verdict in a given case.”

As a sequel of my discussion above, this revision petition has no merits and the same is dismissed.

January 13, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE