

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5126 of 2015(O&M)
Date of decision: 13.08.2015

Majinder Singh

... Petitioner

Versus

Sarabjit Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. AK Vermani, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide this petition, under Article 227 of the Constitution of India, petitioner-landlord seeks a direction to the Rent Controller to decide an application, under Section 18A of the East Punjab Urban Rent Restriction Act, 1949 (for short, 'the Act'), moved by the respondents-tenants, which is pending consideration for quite a while. It is maintained that the said application is pending for arguments since 17.03.2014, and although a period of almost 1½ years has elapsed, the same continues to await consideration. Learned counsel for the petitioner refers to the interim orders passed by the Rent Controller since 17.03.2014:

“Present: Sh. A.K. Vermani Adv. Counsel for applicant.

Reply by respondent/applicant filed. Now to come up on 22.4.2014 for consideration on application for leave to defend.

Sd/-
(Sherryl Sohi)
CJJD/17.3.2014

Present: Sh. A.K. Vermani Adv. Counsel for applicant.

Arguments not advanced. On request case is adjourned to 6.5.2014 for consideration on application for leave to defend.

Sd/-
(Sherryl Sohi)
CJJD/22.4.2014

Present: Sh. A.K. Vermani Adv. Counsel for the applicant.

Arguments not advanced. On requests case is adjourned to 11.7.2014 for consideration. Long adjournment is being given for streamlining the cause list and for reason that civil courts shall be closed on account of summer vacation from 1st June 2014 to 30th June 2014.

Sd/-
(Sherryl Sohi)
CJJD/06.05.2014

Present: Sh.A.K. Vermani Adv. Counsel for the applicant.

Arguments not advanced. On request case is adjourned to 18.08.2014 for consideration on application for leave to defend.

Sd/-
(Sherryl Sohi)
CJJD/11.7.2014

Present: None.

File taken up today as 18.08.2014 was declared holiday. File taken up today as I was on leave 19.8.2014. So case is adjourned to 29.09.2014 for the

purpose already fixed. Parties and their learned counsels be informed accordingly.

Sd/-
(Sherryl Sohi)
CJJD/20.8.2014

Present: Sh. A.K. Vermani Adv. Counsel for applicant.
Arguments not advanced. On request case is adj. to 31.10.14 for rejoinder if any/argument.

Sd/-
(Sherryl Sohi)
CJJD/29.9.14

Present: Sh. A.K. Vermani Adv. Counsel for the applicant.
Arguments not advanced. On request case is adjourned to 22.12.2014 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/31.10.2014

Present: Sh. A.K. Vermani Adv. Counsel for the applicant.
Arguments not advanced. On request case is adjourned to 6.2.15 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/22.12.2014

Present: Sh. A.K. Vermani Adv. Counsel for applicant.
Arguments not advanced. On request case is adjourned to 16.03.2015 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/06.02.15

Present: Sh. A.K. Vermani Adv. Counsel for the applicant.
Arguments not advanced. On request case is adjourned to 25.05.2015 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/23.04.2015

Present: Sh. A.K. Vermani Adv. Counsel for the applicant.
Arguments not advanced. On request case is
adjourned to 30.07.15 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/25.5.15

Present: Sh. A.K. Vermani Adv. Counsel for the applicant.
Arguments not advanced. On request case is
adjourned to 7.9.15 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/30.07.15”

It is submitted that the matter has been adjourned repeatedly, though counsel for the petitioner was always present to argue the matter. Learned counsel for the petitioner submits that the indecision has not only caused a prejudice to his rights but indeed defeats the very purpose of the provisions of Section 13B of the Act.

That being so, the petition is disposed of with a direction to the learned Rent Controller, Amritsar, to consider and decide the application moved by the respondents, under Section 18A of the Act, in accordance with law, within a reasonable time. And preferably within a period of three months from the receipt of certified copy of this order. It is clarified that this order shall not constitute any expression of opinion on merits of the claim of either party.

August 13, 2015
Rajan

(Arun Palli)
Judge