

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5138 of 2015(O&M)
Date of decision: 13.08.2015

Majinder Singh

... Petitioner

Versus

Lucky Kumar 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 29.09.2014, and although a period of almost a year has elapsed, the same continues to await consideration. Learned counsel for the petitioner refers to the interim orders passed by the Rent Controller since 29.09.2014:

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

On request case is adj. to 31.10.14 for consideration.

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.
Sh. Pankaj Sharma Adv. Counsel for the respondent.

Arguments not advanced. On request case is adjourned to 6.2.15 for consideration on leave to defend.

Sd/-
(Sherryl Sohi)
CJJD/22.12.2014

Present: Sh. A.K. Vermani Adv. Counsel for applicant.
Sh. Pankaj Sharma Adv. Counsel for respondent.

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.
Sh. Pankaj Sharma Adv. Counsel for respondent.

Arguments not advanced. On request case is adjourned to 23.04.2015 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/16.03.2015

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

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.
Sh. Pankaj Sharma Adv. Counsel for the respondent.

Arguments not advanced. On request case is adjourned to 27.07.15 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/25.5.15

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

Arguments not advanced. On request case is adjourned to 7.9.15 for consideration.

Sd/-
(Sherryl Sohi)
CJJD/27.07.15"

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