

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.6544 of 2014

Date of Decision.05.08.2015

Pardeep Khanduj

.....Petitioner

Versus

The Oriental Insurance Company Ltd. and another

.....Respondents

Present: Mr. Sudeep Mahajan, Advocate  
for the petitioner.

Mr. Harish Bansal, Advocate  
for the respondents.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

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?

-. -

**K. KANNAN J. (ORAL)**

1. The landlord is in revision against an order passed by the Appellate Court allowing for the tenant to be offered an alternative property but without accommodating the landlord's prayer that an alternative property, which he was willing to offer and if the tenant was willing to vacate the property, shall be put on fresh terms as to rent determined at the prevailing market rate. The counsel would point out to me that the petition filed before the lower Appellate Court itself was clear on the point that he was willing to offer the property at the same floor at the prevailing market rent and the Court was not correct in passing the order denying such facility.

2. I find the order to be wrong but it cannot still dispose of the case, for, if the tenant is not willing to accept the property alternatively

at a prevailing market rent, the Appellate Court will only be required to take the offer as not acceptable and shall make an adjudication on the bona fides of the requirement of the landlord in the manner pleaded by the landlord which was found favour with by the Rent Controller and which is brought in challenge by the tenant.

3. The impugned order is set aside. The matter will go for fresh adjudication on the bona fides of the need of the landlord by taking note of the objection taken by the tenant and contentions offered by the landlord and the case will be decided in accordance with the law. The Court will endeavour to dispose of the case as expeditiously as possible. The civil revision petition is allowed with the above observations.

**(K. KANNAN)**  
**JUDGE**

**August 05, 2015**  
**Pankaj\***