

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7204 of 2015(O&M)
Date of decision: 30.10.2015

Jarnail Singh

... Petitioner

Versus

M/s Love Industries

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Divanshu Jain, 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 order dated 03.03.2015, rendered by the Rent Controller, Chandigarh, ejectment of the tenant-petitioner had since been ordered. And, an appeal preferred against the said order is pending consideration before the appellate authority. As an application for stay of operation of the order of eviction dated 03.03.2015, moved by the petitioner, had been dismissed by the appellate authority, vide order dated 27.05.2015, tenant is before this court vide this revision petition.

Learned counsel for the petitioner contends that the appellate authority having found arguable point in the appeal had issued notice to the respondent and as a result, the

appeal along with an application for additional evidence is now fixed for arguments on 02.11.2015. Further, the order being assailed is cryptic being devoid of any reason. It is contended that as the warrant of possession has since been issued on 13.10.2015, there is every likelihood that the petitioner shall be dispossessed any time. That being so, it is urged that in the event of the dispossession of the petitioner, he shall not only suffer an irreparable loss, but that would virtually render his appeal as infructuous.

On a due and thoughtful consideration of the matter in issue, I am of the considered opinion that once the appellate authority was of the view that there were arguable issues involved in the appeal, to avert any miscarriage of justice, possession of the petitioner could be preserved till the decision of the appeal. In any case, while declining interim protection to the petitioner, the appellate authority has assigned no cogent reason either. Accordingly, without issuance of notice to the respondent to avert any further delay and the expenses that it shall have to incur to defend these proceedings, the order dated 27.05.2015 is set aside and the petition is disposed of in the following terms:

i) the Appellate Authority shall consider and decide the appeal as also the application for additional evidence moved by the petitioner on the date already fixed i.e.

02.11.2015, if possible, but positively, within a week thereafter;

ii) in the interregnum status quo as regards the possession shall be maintained till the decision of the appeal;

iii) the matter shall not be adjourned, at any cost, on the request of the counsel for the petitioner-appellant. And in the eventuality, the appeal is not argued by the counsel for the petitioner-appellant, on the date already fixed/fixed, the order of status quo shall automatically stand vacated.

October 30, 2015
Rajan

(Arun Palli)
Judge