

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 123 of 2015**

Shri G.R. Choubey, Son of Shri Rameshwar Choubey, aged about 33 years,
Resident of Z.501, 27 Kholi, Vikas Nagar, Thana Civil Line, Bilaspur, Civil
and Revenue District Bilaspur (C.G.)Defendant

---- Applicant

Versus

Shri Satyendra Sinha, son of Shri O.P.Sinha, aged about 36 years, Resident
of Vinoba Nagar, Thana Tabahar, Bilaspur, Civil and Revenue District
Bilaspur (C.G.) Plaintiff

---- Respondent

For Applicant	: Shri Punit Ruparel, Advocate.
For Respondent/State	: Shri M.L. Pastore, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23/06/2016**

(1) In a revision filed by applicant herein being Civil Revision No.107/2014 against the order dated 5.9.2014 passed by Rent Controlling Authority, Bilaspur, this Court by order dated 19.03.2015, set aside the impugned order and directed the Rent Controlling Authority (for short "RCA") for adjudicating afresh after the evidence of the parties and decide the case afresh on its merits.

(2) The Rent Controlling Authority, Bilaspur, now by its order dated 5.10.2015 maintained the order dated 5.9.2014, against which instant revision petition has been filed by the applicant/defendant challenging the same.

(3) Learned counsel for the applicant would submit that entire order sheets of the RCA right from 27.03.2015 has been filed, which would show that the RCA has neither recorded any evidence nor decided the case afresh on merits and the order which has been set aside, has been restored by the RCA, which is clearly unsustainable in law.

(4) Mr. M.L. Pastore, learned counsel appearing for the respondent/plaintiff would support the impugned order.

(5) A bare perusal of the order dated 5.10.2015 would show that after the order of this Court dated 19.03.2015, matter remained pending till 23.07.2015 and ultimately by the impugned order dated 5.10.2015, order dated 05.09.2014 has been restored.

(6) I have heard learned counsel appearing for the parties and perused the record with utmost circumspection.

(7) A critical examination of the order impugned would show that the RCA has not complied with the order of this Court i.e. the RCA has neither took evidence of the parties nor decided the case afresh on merits and simply in one page order, has restored the order dated 5.9.2014, such a course is clearly impermissible in law, it is clear non-compliance of the order passed by this Court.

(8) Be that as it may, since neither evidence has been taken nor case has been decided on merits, in my opinion, the order dated 5.10.2015, being not sustainable in law deserves to be and is hereby set aside; and the RCA, Bilaspur is directed to take evidence of the parties and decide the application on merits strictly in accordance with

law as directed by this Court on 19.03.2015 within three months and the parties are also directed to co-operate with the trial.

(9) Parties are directed to appear before the Rent Controlling Authority on 4.7.2016.

(10) The Rent Controlling Authority shall submit explanation as to why the order of this Court was not complied with in its letter & spirit within four weeks.

(11) Revision is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-