

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

114

Civil Revision No.2178 of 2016 (O&M)

Date of Decision: March 28, 2016

Kishori Lal

...Petitioner

Versus

Rajesh Goyal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Ashwani Kumar Chopra, Senior Advocate
with Mr. Akshit Chaudhary, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.6320-CII of 2016

Prayer in this application is for exemption from filing certified and typed copy of order dated 11.05.2015 passed by learned Rent Controller, Chandigarh and from filing typed copy of judgment dated 18.02.2016 passed by learned Appellate Authority, Chandigarh.

Application is allowed.

Exemption from filing the aforesaid documents is granted subject to just exceptions.

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It is, *inter alia*, the contention of learned senior counsel for the petitioner that the Courts below have not appreciated the fact that the alleged purchase of the property by the respondent is on 25.08.2005 and he started the business of electrical goods in Panchkula in the year 2006. The assertion, therefore, of the respondent that he had purchased the said property for the purpose of shifting his business of electrical goods, cannot be accepted. His further assertion is that the application for additional

evidence as filed by the petitioner before the Appellate Authority, Chandigarh, on July 4th, 2015, has not been decided and, therefore, the impugned order dated 18.02.2016 passed by the said authority cannot sustain and deserve to be set aside.

Notice of motion.

Mr. Divanshu Jain, Advocate, accepts notice on behalf of the caveator-respondent.

Caveat discharged.

Counsel for the caveator-respondent very fairly states that the application for additional evidence dated 4-07-2015 as also an application for modification/clarification of the order dated 26.10.2015 have not been decided by the Appellate Authority and, therefore, the matter needs to be remanded back to the Appellate Authority for fresh decision on the applications as well as the appeal.

In the light of the statement made by the counsel for the caveator-respondent and without commenting upon the contentions as raised by learned senior counsel for the petitioner, keeping it open to the Appellate Authority to consider and pass appropriate orders afresh in accordance with law, the impugned judgment dated 18.02.2016 passed by the Appellate Authority, Chandigarh, is set aside.

The Appellate Authority may consider deciding the appeal at an early date in accordance with law.

Parties to appear before the Appellate Authority, Chandigarh, on 05.04.2016.

The revision petition stands disposed of accordingly.

In the light of the disposal of the petition, the application for stay i.e. CM No.6321-CII of 2016 stands disposed of as infructuous.

March 28, 2016

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**