

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

**CR-50-2016 (O&M)
Date of decision : 18.01.2016**

Ashwani Kumar

..... Petitioner

versus

Parveen Atwal

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Nitin Thatai, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for the respondent.

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?

AJAY TEWARI, J. (Oral)

On 08.01.2016 the following order was passed :-

“By this petition the petitioner has challenged the order dated 23.11.2015 whereby interim relief has been granted to the appellant-respondent.

Learned counsel has argued that by the interim relief the final relief has been granted to the appellant and now it would be totally in the interest of the tenant to delay the proceedings more so since there is no provision for interim relief under Section 10 of the East Punjab Urban Rent Restriction Act, 1949. Learned counsel states that as far as the petitioner is concerned he will lead his entire evidence on his own responsibility within two months.

In view of this I deem it appropriate to issue short notice to the respondent to elicit her view on this aspect.

Notice of motion.

Let respondent be served through the counsel in the trial Court by way of dasti process. Dasti only.

Adjourned to 18.01.2016.”

Today learned counsel for the respondent has very fairly stated that in view of the concern of the learned counsel for the petitioner respondent would also undertake to conclude the evidence within two months. However, learned counsel for the petitioner has still insisted that the matter be heard on merits because as per him Section 10 of the East Punjab Urban Rent Restriction Act, 1949 does not envisage that the final relief can be granted by way of interim relief.

In my opinion the argument is not logical. Supposing a landlord has given the first floor of his house to a tenant for residence for his family and on one fine day he cuts the water supply. Obviously the tenant would move an application under Section 10 of the East Punjab Urban Rent Restriction Act, 1949. In these circumstances if it is held that water connection can not be given by way of interim relief it would mean that the tenant would die of thirst because the main case could not be decided and the land lord would be able to obliquely achieve his purpose of getting his premises vacated by cutting off the water supply.

The next contention of landlord is that there was no water supply ever given to the respondent but this is a pure question of fact.

In my opinion the offer made by the learned counsel for the respondent would take care of the most of the concerns of the petitioner.

In the circumstances the petition is disposed of with the direction to the Rent Controller to finally decide the petition within 4

months in view of the statements made by learned counsel for the parties.

The present petition is dismissed.

Since the main case has been decided, the pending civil
miscellaneous application, if any, also stands disposed of.

18.01.2016

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**