

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

124

Civil Revision No.5799 of 2016

Date of Decision: September 16, 2016

Mandir Thakur Dwara, Ambala City

...Petitioner

Versus

Raj Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shailender Kashyap, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 21.07.2016 passed by the Rent Controller, Ambala, whereby an application under Section 10 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, has been allowed permitting the respondent-tenant to construct a bathroom-cum-latrine which already existed at the site. In the said order, it has been further mentioned that the observation made in the order dated 21.07.2016 shall have no bearing on the merits of the case.

Counsel for the petitioner contends that he would not be in a position to dispute the necessity with regard to there being a wall constructed for the bathroom and latrine for the reason that there are ladies also residing which would require such a wall as it would be the basic necessity for bathing and other purposes. The only apprehension which has been put forth by the counsel is that the appeal of the petitioner is pending with the Appellate Authority, Ambala, with regard to the dismissal of the eviction petition which was preferred by the petitioner stating therein and taking a ground that the demised premises is in a dilapidated condition and not fit for human habitation.

This apprehension of learned counsel for the petitioner is misconceived as it is apparent from the order dated 21.07.2016, wherein it has been observed by the Rent Controller that the observation made in the said order shall have no bearing on the merits of the case in hand. In any case, it is clarified that these observations shall also have no bearing in the appeal of the petitioner which is pending before the Appellate Authority.

With these observations, the revision petition stands disposed of.

September 16, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No