

CR No. 5981 of 2016

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

CR No. 5981 of 2016

Date of Decision: September 19, 2016

Chaman Lal

...Petitioner

Versus

Amarjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Jasbir Singh Dhaliwal, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (Oral):

On 14.09.2016, while issuing notice of motion, following order was passed by this Court recording the contention of the counsel for the petitioner:-

“It is the contention of learned counsel for the petitioner that the Court by its order dated 23.08.2016 has proceeded to decide an application which was not even taken up for hearing. He contends that the application which has been decided is the one, copy whereof has been appended as Annexure P-2 with the present petition which was for production of the original documents and supplying copies of the same to the petitioner, whereas the application which has been decided is an application (Annexure P-3) for dismissal of the petition under Section 13-B of the East Punjab Urban Rent Restriction

Act, 1949, filed by respondent. He, thus, contends that the Court has not proceeded to apply its mind to the facts and circumstances of the case and the pleadings.

Notice of motion for 19.09.2016.

Dasti only.

Notice through counsel as well.

To be shown in the urgent list.”

Counsel for the respondent, who has put in appearance, although states that the case was heard and the application was indeed dismissed but that was different application. Only the heading has wrongly been mentioned in the order.

This contention of the learned counsel for the respondent cannot be accepted as it appears from the order that the Court has wrongly proceeded to pass the order and the contention as recorded by this Court of the counsel for the petitioner appears to be correct.

In view of the above, the impugned order dated 03.08.2016 passed by the Rent Controller, Ludhiana, is hereby set aside and direction is issued to the Rent Controller to pass a fresh order on hearing the counsel for the parties.

It has further been brought to the notice of the Court that an application for leave to defend alongwith an application for condonation of delay on the part of the petitioner is pending before the Rent Controller, Ludhiana, which have not been decided, although the said applications were filed on 26.11.2014.

The Rent Controller, Ludhiana, shall ensure that the said applications, if pending, are decided at an early date and in any case, not

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beyond a period of four months from the date of receipt of certified copy of this order.

Copy of the order be given *dasti* to the counsel for the parties under the signatures of the Bench Secretary of this Court.

September 19, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No