

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

**C.M. NOS.19604-05 CII OF 2016 &
CIVIL REVISION NO.6405 OF 2016
DATE OF DECISION: OCTOBER 27, 2016**

Bhag Singh Malik

.....Petitioner

VERSUS

Chinmaya Tapovan Trust Yol Camp and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Divanshu Jain, Advocate,
for the petitioner.

Mr. Rupinder Khosla, Sr.Advocate with
Mr. Aman Sharma, Advocate,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.19604 CII of 2016

Application is allowed as prayed for subject to all just exceptions.

C.M. No.19605 CII of 2016 & Civil Revision No.6405 of 2016

It is the contention of learned counsel for the petitioner that in the light of the Division Bench judgement of this Court in Raghu Nath Jalota Vs. Romesh Duggal and another, 1979 (2) RCR 501, the Appellate Authority could not remand the case for fresh disposal before the Rent Controller, Chandigarh in the light of the provisions as contained under Section 15(3) of the East Punjab Urban Rent Restriction Act, 1949 (for

short, "1949 Act"). He further contends that an application for additional evidence was preferred by the petitioner and although the same was allowed but the documents have not been considered.

Counsel for the respondent very fairly concedes that in the light of the provisions as contained in Section 15(3) of 1949 Act and the judgement of this Court in Raghu Nath Jalota's case (supra), the order, as passed by the Appellate Authority, Chandigarh, is to be set-aside.

In view of the above, the present petition is allowed and the order passed by the Appellate Authority, Chandigarh, dated 11.08.2016, is set-aside. Let the Appellate Authority, Chandigarh, decide the appeal afresh in accordance with law as per the provisions contained in the 1949 Act keeping in view the judgement passed by this Court in Raghu Nath Jalota's case (supra).

Since the main appeal stands decided, no orders are required to be passed on C.M. No.19605 CII of 2016 for staying the operation of the impugned order.

**October 27, 2016
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

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