

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

Civil Misc. No.4991-CII of 2017 in/and
Civil Revision No.1613 of 2017
Date of decision: 06.03.2017

Ramesh Chawla & Associates

...Petitioner

Versus

Magnetic Information Technology Ltd. and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

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

G.S.SANDHAWALIA, J. (Oral)

Civil Misc. No.4991-CII of 2017

Prayer made in the present Civil Misc. Application for granting exemption from filing certified/typed copies of Annexures P/1 to P/7 is allowed.

The Civil Misc. Application stands disposed of accordingly.

Civil Revision No.1613 of 2017

The present revision petition has been filed by the landlord against the order dated 13.12.2016 (Annexure P/7) whereby the stay has been granted to the tenants in view of the fact that proceedings under Order 9 Rule 13 of the CPC are pending which was filed by the tenants who are arrayed as respondents no.1 and 2 herein.

The grouse of the petitioner-landlord is that the eviction petition was filed on 5.2.2011 and said tenants had put in appearance on 15.3.2011 and they had been proceeded exparte thereafter on 20.9.2011. Eventually the ejectment order was passed on 28.10.2015 (Annexure P/3).

Counsel for the petitioner submits that more than four years

had passed in the proceedings and thus the landlord is being put to unnecessarily harassment and he has instructions that the application can be allowed and the Rent Controller, SAS Nagar Mohali be directed to proceed as expeditiously as possible afresh.

It is always open to the landlord to file an appropriate application or an affidavit to put his stand forward before the Rent Controller concerned who is expected to appropriately consider such a request. It is not open to the landlord to come to this Court in the first instance itself. The stay has only been granted to protect the tenants as their application will become infructuous, if they are dispossessed.

In such circumstances, no fault can be found with the impugned order dated 13.12.2016 (Annexure P/7) passed by the Rent Controller, SAS Nagar Mohali.

Accordingly, the present revision petition is disposed of with aforesaid liberty.

March 06, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No