

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102

C.R. No.396 of 2015 (O&M)

Date of decision: 29.08.2017

Rajesh Kumar

....Petitioner

versus

M/s Love Industries, Panchkula

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

Ms. Anu Pal, Advocate for
Mr. Aman Pal, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

Through the present petition the respondent-landlord challenges order dated 16.12.2014 passed by the Rent Controller, Chandigarh, through which provisional rent was determined.

Learned counsel for the respondent, on the basis of law laid down by this Court in **Ajay Partap Singh versus Gurdial Singh and others** – 2016(2)RCR(Rent) 475 submits that the present petition is not maintainable as the order impugned in the present petition is appealable.

Learned counsel for the petitioner does not dispute the above and therefore, seeks to withdraw the present petition with liberty to the petitioner to avail of his remedy of appeal against the impugned order before the Appellate Authority.

Accepting the prayer of learned counsel for the petitioner, the present petition is permitted to be withdrawn with liberty to the petitioner to file an appeal against the impugned order before the Appellate Authority.

It is further directed that interim order passed by this on 19.01.2015 shall remain operative till the filing of the appeal. However, after the appeal has been filed, it would be the discretion of the Appellate Authority to pass any order in accordance with law and while doing so it shall not be influenced in any manner by the interim order passed by this Court. In case, the appeal is not filed within a period of 15 days from the date of receipt of a certified copy of this order, the interim relief granted by this Court vide order dated 19.01.2015 shall cease to operate.

(DEEPAK SIBAL)
JUDGE

August 29, 2017

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No