

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

CR No.5902 of 2017 (O&M)

Date of Decision: September 14, 2017

Jatinder Batra

..... Petitioner

Versus

Asha Gupta

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Namit Gautam, Advocate
for the respondent.

DEEPAK SIBAL J. (ORAL)

Mr. Amit Dhawan, who appears on behalf of the petitioner submits that the respondent-landlord, through a petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short the 'Act') sought the eviction of the petitioner from the tenanted premises as described in the headnote of the petition. The ground on which the ejectment was sought was that the respondent needed the tenanted premises for her own use as she needed the same for her husband's business. Through order dated 23.02.2017, the Rent Controller, Jalandhar allowed the eviction petition ordering the petitioner's ejectment from the tenanted premises. On 22.03.2017, the petitioner challenged the above order passed by the Rent Controller, Jalandhar by way of an appeal before the Appellate Authority, Jalandhar. Along with the appeal, an application seeking stay of the impugned eviction order was also filed. In the appeal as also in the application for stay, notice was issued but before any final order could be passed either on the appeal or the stay application, on the

application filed by the respondent-landlord seeking execution of the ejectment order, warrants of possession were ordered to be issued by the Executing Court to hand over the possession of the tenanted premises to the respondent. It is in these circumstances that the petitioner has knocked the doors of this Court through the present petition with a limited prayer that the warrants of possession should not be executed during the pendency of his appeal or at least till the decision on his stay application.

Mr. Namit Gautam, Advocate, who appears on behalf of the respondent, while not disputing the above factual position, submits that he has instructions from his client to state that till the appeal filed by the petitioner to challenge his ejectment is not finally adjudicated upon, his client would not execute the ejectment order. He however prays that since the appeal was filed in March 2017 and that both his client as also her husband are senior citizens, who seek the petitioner's eviction on the grounds of personal necessity, Appellate Authority, Jalandhar be directed to disposed of the petitioner's appeal in a time bound manner.

In view of the above, after directing that the respondent shall remain bound with regard to the above statement, no further orders in this regard need to be passed. However, considering that the petitioner's appeal has been pending for the last over six months and that the respondent as also her husband, who seek the petitioner's eviction on the ground of personal necessity are both senior citizens, in the peculiar facts of this case, the Appellate Authority, Jalandhar is requested to consider and finally adjudicate upon the petitioner's appeal preferred by him against the

ejectment order dated 23.02.2017 passed by the Rent Controller, Jalandhar in accordance with law within a period of four months from the date of receipt of a certified copy of this order.

On apprehension expressed by learned counsel for the respondent, learned counsel for the petitioner assures the Court that his client would fully cooperate with the Appellate Authority, Jalandhar for disposal of the appeal within the above time frame.

The petition stands disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

September 14, 2017

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No