

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

Civil Revision No.762 of 2017

M/s Punjab Berring House

... Petitioner

Versus

Harpreet Anand

... Respondent

(2)

Civil Revision No.801 of 2017

M/s Radha Krishanan Auto Electricals

... Petitioner

Versus

Sumit Anand

... Respondent

Decided on : 03.02.2017

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

Present : Mr. B.D. Sharma, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of two revision petitions i.e. ***Civil Revisions Nos.762 and 801 of 2017*** as common questions of law and fact are involved. The facts are being taken from ***Civil Revision No.762 of 2017 'M/s Punjab Berring House Vs. Harpreet Anand'***.

The petitioners are aggrieved against the order dated 19.12.2016 (Annexure P-8), whereby the Rent Controller on an application dated 06.09.2016 filed by the landlord for reviving the ejectment application, allowed the same and directed that the matter be fixed for a specific date.

Counsel for the petitioners has vehemently submitted that on 13.12.2010 (Annexure P-4) the matter had been adjourned sine die, in view of the fact that there was a civil suit as such pending for declaration and, therefore, since an appeal was pending after the decision on 28.04.2016 of the civil suit, the application was wrongly allowed and it should await the decision of the appeal.

The said argument is misconceived and cannot be accepted. It is not disputed that vide order dated 13.12.2010, the matter was adjourned sine die on an application filed by the respondent-petitioner who had filed an application for ejectment of the present petitioner.

Counsel for the present petitioner/tenant himself had suffered a statement that he would have no objection if the application for adjourning the case sine die was allowed till the decision of the civil suit. The relevant portion reads as under:-

“Written reply to the application for staying the proceedings in the present case and adjourning case sine die not filed. However, Ld. Counsel for respondent suffered the statement that he has no objection if the present application for adjourning the case sine die is allowed till the decision of the civil suit pending between the parties.”

As noticed, thereafter, the said Civil Suit titled as **'Bhupinder Singh Vs. Dev Krishan and others'** was dismissed on 28.04.2016, in which the respondent was defendant No.4. The argument as such raised by the counsel for the petitioners the final decision has not be taken place, since the appeal is pending cannot be taken into account. The respondent himself is the master of his ejectment application, who

had chosen to defer the proceedings for a certain period on account of pendency of civil suit. On the decision of the civil suit, he has opted for revival of the ejectment application.

No fault as such can be found with the impugned order. It is always open to the petitioners to contest the case on merits before the Rent Controller regarding the effect of the findings of the civil suit. Accordingly, there is no merit in the present revision petitions and the same are dismissed in limine.

FEBRUARY 03, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No