

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

**Civil Revision No. 85 of 2017 (O&M)
Date of Decision: 20.11.2017**

Dharam Pal

..... Petitioner

Versus

Sunita Rani

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vivek Gupta, Advocate for
Mr. Gaurav Singh Hooda, Advocate
for the petitioner-tenant.

Mr. Vishal Goel, Advocate
for the respondent-landlady.

JASWANT SINGH, J. (ORAL)

Petitioner-tenant is in revision directed against the order dated 15.10.2016 passed by the Appellate Authority, Patiala, whereby the eviction order dated 07.08.2015 passed by the Rent Controller, Patiala, evicting the petitioner-tenant from the demised shop on the ground of 'personal necessity' of landlady, has been affirmed.

This Court vide order dated 08.02.2017 noticing the contention on behalf of the tenant had passed the following order:-

“Counsel inter alia submits that there is non-application of mind by the Appellate Authority as he has reproduced the judgment and the observations of the Rent Controller in verbatim.

Notice of motion.

Mr. Vishal Goel, Advocate accepts notice on behalf of the respondent and filed his Memo of Appearance and prays for time.

Adjourned to 19.07.2017.

In the meantime, dispossession of the petitioner shall remain stayed, subject to the petitioner depositing all the arrears of rent by 31.03.2017 with the Rent Controller. Further, the rent for

each month will be paid by the 7th of each month. It is made clear that violation of any of the conditions aforesaid would entail eviction.”

At the time of hearing, learned counsel for the parties are agreed that this Court may set aside the lower Appellate Order dated 15.10.2016 with a direction to pass a fresh speaking order showing proper application of mind.

In view of the aforesaid stand, the Appellate Order dated 15.10.2016 is set aside. The parties are directed to appear before the Appellate Authority, Patiala on **11.12.2017**.

Learned Appellate Authority, Patiala, shall endeavour to pass a fresh speaking order showing proper application of mind within a period of eight (08) months from the date of appearance of the parties.

Disposed of.

November 20, 2017

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>