

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3375 of 2016 (O&M)
Date of Order:06.09.2018

Rama Devi

..Petitioner

Versus

Harbans Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shrey Goel, Advocate,
for the petitioner.

Mr. Sharan Sethi, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral).

Limited issue argued before this Court is on the competence and jurisdiction of the Appellate Authority while exercising powers under the East Punjab Urban Rent Restriction Act, 1949 to remand the case to the learned Rent Controller for re-decision.

Counsel for the petitioner has relied upon a judgment passed by a Division Bench in the case of Krishan Lal Seth v. Pritam Kumari, (1962) ILR 1 Punjab and Haryana 310 and a judgment passed by a learned Single Judge in the case of Smt. Urmila Devi v. Davinder Singh (Civil Revision NO.6485 of 2012, decided on 12.08.2013) in support of his submission.

Although, learned counsel for respondent no.1 has submitted that there are certain judgments taking contrary view, however, the judgments cited by learned counsel for the petitioner are by the learned Single Judges without noticing the judgments passed by a Division Bench.

Keeping in view the aforesaid facts and binding precedent by the Division Bench, the order passed by the learned Appellate Authority dated 06.02.2016 is set aside. The matter is remitted back to the learned Appellate Authority with a direction to re-decide the appeal within a period of 6 months.

Needless to observe that the learned Appellate Authority would be at liberty to seek a report, if required, on any issue.

Parties through their counsels are directed to appear before the learned Appellate Authority, on 24.09.2018.

The Civil Revision is disposed of accordingly.

September 06, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No