

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

CR-3203-2014 (O&M)
Date of decision: 17.01.2018

ASHOK KUMAR

...Petitioner

Versus

ASHOK KUMAR

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Amarjit Markan, Advocate
for the respondent.

REKHA MITTAL, J. (Oral)

The present petition impugns order dated 07.04.2014 passed by the Appellate Authority, Patiala whereby the appeal preferred by the respondent against judgment dated 17.01.2013 passed by the Rent Controller, Patiala has been allowed and the matter has been remitted to the Rent Controller for decision afresh by giving an opportunity to the petitioner/respondent to file fresh written statement and thereafter at least one opportunity to both the parties to lead fresh evidence in support of their respective pleadings as at the appellate stage the respondent/land lord filed an application for amendment of the petition and the same was allowed.

Counsel for the parties would inform that during pendency of the present petition, there was no stay against further proceedings before

the Rent Controller; parties have already adduced their evidence on the basis of order passed by the Appellate Authority. They have arrived at a consensus that the present petition may be disposed of in the following terms:-

1. Order dated 07.04.2014 except allowing amendment of petition passed by the Appellate Authority, Patiala may be set aside and the matter be remitted to the Appellate Authority for decision of the appeal afresh.
2. The Appellate Authority shall decide the appeal on the basis of evidence adduced by the parties before decision dated 17.01.2013 by the Rent Controller as well as after remand of the case by the Appellate Authority.
3. The parties shall be at liberty to file an application for additional evidence, if any, and the same would be decided by the Appellate Authority, in accordance with law.

In view of the above, the petition is disposed of. Order dated 07.04.2014 passed by the Appellate Authority is set aside and the matter is remitted to the Appellate Authority for decision of the appeal afresh in the aforesaid terms. It is clarified that part of the order qua amendment of petition shall remain intact.

The parties through their counsel are directed to appear before the Appellate Authority on 19.02.2018.

No order as to costs.

17.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No