

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CR No.3072 of 2018 (O&M)

Date of decision: 17.09.2018

Rajmal

..... Petitioner

Versus

Vijay Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Pawan Kumar, Sr. Advocate with
Mr. Rohit Kumar, Advocate and
Mr. Abhimanyu Batra, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Learned Appellate Authority has reversed the judgment passed by the learned Rent Controller and ordered eviction. Learned Rent Controller had relied upon apart from other documents Ex.R-1, a sale deed dated 25.04.1994 executed in favour of Suman Rani wife of the landlord and mother of Sandeep for whose requirement personal necessity has been pleaded. Learned Appellate Authority did not consider the document Ex.R-1 and its effect. Although, learned counsel for the respondent-landlord has pointed out that in evidence, it has been stated that the aforesaid premises is being used as a godown, however, since the Appellate Authority which is last Court for appreciation of evidence has not considered this aspect of the matter, without commenting upon the merits of the case, the matter is remanded back to the learned Appellate Authority to consider this aspect

and examine the personal necessity as pleaded vis-a-vis the property covered by Ex.R-1, a registered sale deed.

It is needless to say that this Court has not expressed any opinion on merits and the Appellate Authority would be at liberty to re-decide the appeal after taking into consideration the evidence available on the file.

Hence, the order of the learned Appellate Authority is set aside. The case is remanded back to the learned Appellate Authority to re-decide the appeal, within a period of two months, from the date of receipt of a certified copy of this order.

The pending miscellaneous applications, if any, shall stand disposed of accordingly.

Revision petition is disposed of.

Parties through their counsel are directed to appear before the learned Appellate Authority on 26.09.2018.

17.09.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No