

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM No.5968-CII of 2018 in/and
CR No.4102 of 2016 (O&M)
Date of Decision : 28.05.2018

Smt. Rajwanti

..... Petitioner

Versus

Sh. Ram Sarup and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Aalok Jagga, Advocate
for the petitioner.

Mr. Rakesh Nehra, Advocate
for respondents No.1 to 3.

Mr. K.S.Malik, Advocate
for respondent No.4.

AJAY TEWARI, J. (Oral)

CM No.5968-CII of 2018

Mr. Rakesh Nehra, Advocate for respondents No.1 to 3 states
that the entire dues of the electricity Board have now been deposited and
electricity has been restored.

In these circumstances, CM stands disposed of as having been
rendered infructuous.

CR No.4102 of 2016

This revision has been filed against the orders of the Rent
Controller and the appellate Authority allowing an application under
Section 10 of the Haryana Urban (Control of Rent and Eviction) Act, 1973
filed by respondent No.1.

The precise contention of the learned counsel for the petitioner is that in the written statement the petitioner had denied that respondent No.1 was a tenant yet the application has been allowed without framing any issues or allowing the parties to lead any evidence.

Learned counsel for respondent No.1 has argued that in a case like the present where the tenant is seeking restoration of electricity if the case is to be decided as a civil suit it will end up throttling the tenant.

In my opinion, the concern of both the parties can be met. It is not disputed that by an interim order the electricity connection stand restored. Counsel for the petitioner states that he would have no objection if this interim order continues but the issue raised by him must be addressed and decided by the Rent Controller.

I find merit in this prayer. Consequently the petition is allowed and the matter is remanded back to the Rent Controller for a decision on the issue whether there is a relationship of landlord and tenant between the parties. The interim order by which the electricity connection was restored will continue till the decision of the case.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

28.05.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No