

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CR No.4417 of 2016 (O&M)

Date of decision: 05.09.2018

Netar Singh

..... Petitioner

Versus

Daljit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. J.S. Dahiya, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Learned counsel for the petitioner-tenant, at the outset, pointed out that the Appellate Authority even after noticing the contention of the counsel representing the tenant with respect to two rooms on the first floor having become available and rented out, has failed to deal with the aforesaid contention.

On the other hand, learned counsel for the respondent submitted that the roofs of the premises in the possession of the landlord are leaking during rainy season and he had to vacate the premises and take some other premises on rent in Kharar. The Appellate Authority is the last Court for appreciating the evidence. The Appellate Authority ought to have at least dealt with the contention/submission which has been raised by learned counsel for the petitioner-tenant. Since, the Appellate Authority admittedly has failed to deal with the same, therefore, without commenting

upon the merits of the case, this Court is of the considered opinion that the Appellate Authority should be requested to re-decide the appeal after dealing with all the contentions which was addressed or to be addressed by learned counsel for the petitioner at the time of arguments.

Keeping in view the urgency expressed by learned counsel for the respondent-landlord, learned Appellate Authority is requested to re-decide the appeal, within a period of one month, from the date of receipt of a certified copy of this order.

Needless to say that technically the order passed by the Appellate Authority is reversed.

Parties through their counsel are directed to appear before the learned Appellate Authority on 11.09.2018 at 10.00 AM.

All the pending miscellaneous applications, if any, shall stands disposed of accordingly.

With these observations, the revision petition is disposed of.

05.09.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No