

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

247

CR-6038-2017 (O&M)

Date of decision: 29.10.2018

AMRISH KUMAR JINDAL

...Petitioner

Versus

M/S GANESH IRON STORE AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Akshay K. Jindal, Advocate for the petitioner.
Ms. Alka Sarin, Advocate for the respondents.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 25.08.2017 passed by the Appellate Authority, Ludhiana whereby the impugned order dated 23.07.2015 passed by the Rent Controller, Ludhiana ordering eviction of the respondents/alleged tenants on the ground of non-payment of rent and personal necessity has been set aside and the case has been remanded to the Rent Controller to make compliance and give fresh findings on issue No.5 (relief).

Counsel for the parties are ad idem that the impugned order may be set aside and the matter be remitted to the Appellate Authority for decision of the appeal afresh on merits of the case but without prejudice to right of the respondents to press for an opportunity to tender rent found to be short, if so permitted in law.

In view of the above, the petition is disposed of, impugned order is set aside and the matter is remitted to the Appellate Authority for decision of the appeal afresh with liberty to the parties to raise their respective contentions, in accordance with law. Parties through their counsel are directed to appear before the Appellate Authority on 16.11.2018.

29.10.2018

**(REKHA MITTAL)
JUDGE**

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No