

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

\*\*\*\*

**LPA No.1955 of 2017 (O&M)**

**Date of Decision: 02.08.2018**

\*\*\*\*

Municipal Committee, Kalayat

...Appellant

VS.

Chabeel Dass & Ors.

... Respondents

\*\*\*\*

**Coram : Hon'ble Mr.Justice Surya Kant  
Hon'ble Mr.Justice Sudip Ahluwalia**

\*\*\*\*

Present: Ms. Nupur Chowdhary, Advocate for the appellant

\*\*\*\*

**SURYA KANT J. (Oral)**

(1) Counsel for the appellant has made two-fold submissions. Firstly, she urges that the foremost ground taken by the Municipal Committee before the authorities below while seeking eviction of the respondents was "non-payment of rent" which was duly proved. However, the plea of non-payment of rent could not be inadvertently specifically urged before learned Single Judge though it has been specifically pleaded. Secondly, she submits that the learned Single Judge ought not to have set aside the order dated 25.04.1994 (P14) as no such prayer was made in the writ petition and, in any case, the only direction which could be issued was to issue a fresh show cause notice to the respondents on the basis of the said letter or any other valid ground.

(2) With a view to raise these contentions before the learned Single Judge, learned counsel for the appellant seeks and is permitted to withdraw the appeal with liberty to file review application. We request the Hon'ble Single Judge to sympathetically consider the application for condonation of delay and make an endeavour to decide the review application on merits.

(3) Ordered accordingly.

**(Surya Kant)  
Judge**

**02.08.2018**

*vishal shonkar*

**(Sudip Ahluwalia)  
Judge**

1. Whether speaking/reasoned?

**Yes**

2. Whether reportable?

**No**