

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

101

[TA-397-2018](#)

Date of decision :27.7.2018

DEV WATI GUPTA AND ANR

§... Petitioners

Versus

MOHINDER KUMAR SAIN AND ORS

.... Respondents

CORAM : HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Sanjeeva Gupta, Advocate for the petitioners.
Mr.Piyush Aggarwal, Advocate for respondent No.2.
Mr.Rajan Bansal, Advocate for respondent No.3.

Harinder Singh Sidhu, J.

This petition has been filed under Section 17-A(1) of the East Punjab Urban Restriction Act, 1949 for transfer of the three Rent Appeals (*Mohinder Kumar Sain LRs of Ram Avtar* Vs. *Dev Wati Gupta*, RA-43-2017, *Chander Parkash* Vs. *Dev Wati Gupta*, RA-44-2017 and *Bunty & Ors.* Vs. *Sanjeeva Gupta*, RA-26-2017) pending before three different Appellate Authorities at Bathinda, to a single appellate Authority.

The petitioner-landlady is owner of the premises bearing Municipal Corporation No.2679-A, situated at Court Road Bathinda. Out of nine shops, the petitioner is in possession of two vacant shops. Seven eviction petitions are pending against different tenants who were occupying different shops in the said building. In three Rent Petitions, the eviction orders were passed against which the tenants have preferred appeals i.e. RA-43-2017, RA-44-2017 and RA-26-2017. The said appeals are listed before the different Appellate Authorities at Bathinda.

The contention of learned counsel for the petitioner is that all the three shops are part of the same building and in all the appeals, there is a single cause of action, mainly bona fide necessity. It is thereby contended

that it would be appropriate if all the aforesaid three appeals are decided by the same Appellate Authority at Bhathinda.

Considering the aforesaid facts and circumstances, this petition is allowed. It is directed that all the three appeals referred to above, be listed before the same Appellate Authority who will decide the said appeals.

Needless to add that the direction herein, is only to the extent that the said three appeals be heard by one appellate authority. It should not be construed as a direction to club the appeals and hear them together.

Considering the age of land-lady who is stated to be about 87 years old, it is expected that the Appellate Authority would endeavor to dispose of the aforesaid appeals expeditiously.

(Harinder Singh Sidhu)
Judge

27.07.2018

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Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No