

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

CR-3355-2015 (O & M)

Date of decision: 09.04.2019

DALIP CHAND

.... Petitioner

VERSUS

SUKHWINDER SINGH

.... Respondent

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr.Vaibhav Sehgal , Advocate for the petitioner.

Mr.Naresh Gopal Sharma , Advocate for the respondent.

Learned Counsel for the petitioner has conceded that in view of the judgment of Hon'ble Supreme Court in **Harjit Singh Uppal Vs. Anup Bansal**, 2011 (3) RCR (Civil) 247, order dated 02.05.2015 passed by learned Rent Controller, Ludhiana in Rent Application No.23 of 23.07.2013 making provisional assessment of rent was appealable under Section 15 (1) (b) of the East Punjab Urban Rent Restriction Act, 1949 and the present revision petition against the said order is not maintainable under Section 15 (5) of the above said Act.

Learned Counsel for the petitioner has prayed that the revision petition may be dismissed as withdrawn with liberty to file an appeal before the Appellate Authority and a direction may also be given that the time spent in prosecuting the present revision petition may be excluded in computation of limitation in filing of the appeal.

Dismissed as withdrawn with liberty to file appeal against order dated 02.05.2015 passed by learned Rent Controller, Ludhiana in Rent Application No.23 of 23.07.2013 before the Appellate Authority and in case of filing of the appeal by the petitioner before the Appellate Authority within one month from the date of receipt of certified copy of this order the period spent by the petitioner in prosecuting the present revision petition shall be liable to be excluded. Benefit of interim order dated 18.05.2015 will continue subject to the terms and conditions thereof till filing of such appeal within the given period.

(ARUN KUMAR TYAGI)
JUDGE

09.04.2019

Kavneet Singh

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No