

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR- 7114 of 2019 (O&M)
Date of decision: 17.12.2019

Tejinder Kaur and Another

.....Petitioners

Vs.

Ashok Kumar and Another

.....Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.K. Handa, Advocate for the petitioners.

JAISHREE THAKUR, J. (ORAL)

1. This is a revision petition that has been filed seeking to challenge the order dated 31.08.2019 whereby the Appellate Authority has remanded the matter to the Rent Controller to decide the matter afresh in accordance with law.

2. Learned counsel appearing on behalf of the petitioners-tenants seeks to challenge the order on the limited point of jurisdiction of the Appellate Authority to remand the matter back by relying upon a judgement of the Division Bench of this Court rendered in ***Raghu Nath Jalota Vs. Romesh Dugal and Anr.*** reported in 1979 (2) R.C.R. (Rent) 501 wherein it has been held that the word 'remand' is conspicuous by its absence in Section 15 (3) of the East Punjab Urban Rent Restriction Act 1949, while holding that the object of the Act was to provide a summary and expeditious mode of disposal of case and rid the authorities of shackles of technical procedure of C.P.C.

3. Notice of motion.

4. At this stage, appearance is caused on behalf of the respondents by Mr. Divanshu Jain, Advocate, who very fairly conceded that in the judgment rendered by the Division Bench in ***Raghu Nath Jalota's*** case (supra), subsequently followed by the Single Bench of this Court, it has been clearly held that remand is not possible.

5. I have heard learned counsel for the parties and gone through the record. In view of the fact that there is no power to remand the matter back to the Rent Controller by the Appellate Authority, the impugned order is hereby set aside and the petition stands allowed. Both the parties are directed to appear before the Appellate Authority on 29.01.2020. The Appellate Authority is directed to take the decision afresh by either deciding the matter itself or sending for a report from the Rent Controller regarding any issue that needs to be settled.

December 17, 2019
monika

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No