

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

**CR No. 3648 of 2016 (O&M)
Date of Decision: 31.01.2020**

Anil Kumar and another

.... Petitioners

Versus

Balbir Kumar Bhandari and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Divanshu Jain, Advocate
for the petitioners.

Mr. Balbir Kumar Bhandari-respondent with counsel
Ms. Deepali Puri, Advocate.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioners has filed the present revision petition against the order passed by learned Appellate Authority reversing the judgment passed by the learned trial Court. It has been noticed that the First Appellate Court has taken note of alleged family settlement produced by the landlords which was not part of the pleadings but has overlooked the fact that during the pendency of the litigation, an eviction petition filed against the landlord has been dismissed and some more premises have become available to the landlords.

After arguing for some time, learned counsel for the respondent-landlords has submitted that the landlord should be permitted to withdraw the main petition for ejectment under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, with permission to file a fresh one on same cause of action. Learned counsel appearing for the petitioners has no objection.

Keeping in view the aforesaid fact, present petition is disposed of with liberty to the petitioners by Balbir Kumar Bhandari, who claims that the tenanted premises has come to his share in a family settlement. The petition, if any filed, shall be decided by the Ld. Rent Controller expeditiously.

Learned counsel for the petitioners-tenant has undertaken that he would clear all the arrears of rent within two weeks. Consequently, the order passed by the learned Appellate Authority would cease to operate and the Rent Controller would decide the fresh petition uninfluenced by the observations made by the Rent Controller or Appellate Authority.

Disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

(ANIL KSHETARPAL)
JUDGE

31.01.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No