

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.662 of 2020 (O&M)
Date of decision 09.12.2020

Sandeep Kumar

...Petitioner

Versus

Naresh Chander

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Narinder Singh Dadwal, Advocate for the petitioner.

Mr. Naveen Batra, Advocate for the respondent.

Harsimran Singh Sethi, J. (Oral)

CM-2446-CII of 2020

As prayed for, application is allowed.

C.R. No.662 of 2020

The present Civil Revision petition has been filed challenging the order dated 10.12.2019, by which the Appellate Authority exercising power under the East Punjab Urban Rent Restriction Act, 1949 has accepted the appeal of the respondent and the case has been remanded back to the Rent Controller for fresh adjudication.

Learned counsel for the petitioner argues that in the appeal the respondent only prayed that his plea that no other property of similar kind in the same area was available with him and the same has not been vacated by exercising power under the East Punjab Urban Rent Restriction (Extension to Chandigarh) Act, 1974, by adding para 7(A) in the plaint should be considered by the Rent Controller. Learned counsel for the petitioner

submits that the Appellate Authority rather than remanding the case to be adjudicated upon *de novo*, should have remanded the case to the Rent Controller on the said issue only.

Learned counsel for the respondent does not dispute the said argument raised on behalf of the petitioner. Learned counsel for the respondent submits that he has no objection in case, the order dated 10.12.2019 passed by the Appellate Authority exercising power under the East Punjab Urban Rent Restriction Act, 1949 is modified to the extent that remand of the case is only for the purpose of allowing the respondent to add para No-7(A) in the plaint and, thereafter, adjudicate the said question and that too in the light of the evidence already adduced by the parties by passing an appropriate order on the said issue. Learned counsel appearing on behalf of the petitioner is also agreeable on this.

Keeping in view the facts and circumstances, when the parties are agreeable that the order dated 10.12.2019 may be modified, the prayer as made in the present petition is allowed to the extent that remand order dated 10.12.2019 passed by the Appellate Authority by exercising power under the East Punjab Urban Rent Restriction Act, 1949 remanding the case to the Rent Controller will only be for the issue regarding addition of paragraph 7(A) in the plaint and the said issue will be decided by the learned Rent Controller on the basis of the evidence already led by the parties.

The revision petition stands disposed off in above terms.

December 09, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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