

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

CR-3276-2021 (O&M)

Date of Decision: December 22, 2021

Om Parkash

...Petitioner

VERSUS

Kamal Kishore Alipuriya

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Amit Kumar Goyal, Advocate
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Through the present revision petition, the petitioner is seeking quashing/setting aside the order dated 26.10.2021 passed by learned Appellate Authority, vide which an application for adjournment of the appeal, till the decision of the rent petition titled as 'Kamal Kishore Alipuria vs. Mohammed Islam', has been dismissed.

At the very outset, learned counsel for the petitioner submits that petitioner is tenant of the shop owned by the respondent. Respondent-Kamal Kishore Alipuria had filed ejectment petition against petitioner and the same was allowed vide order dated 03.02.2021. However, the impugned order was challenged by the petitioner by way of filing an appeal, which is

pending before the learned Appellate Authority. At the time, when the

appeal came up for arguments, a submission was made by learned counsel for the petitioner that the appeal is relating to a shop on the ground floor of the premises of the landlord and one shop, on the first floor of the said premises, is on rent with one Mohammed Islam and the landlord is the same. The respondent-landlord has also filed an eviction petition regarding the shop in possession of said Mohammed Islam, tenant. The said eviction petition is pending before learned Rent Controller and is at the stage of evidence of the respondent. As such, learned counsel has made submission that since tenants of both the shops have been sought to be evicted, therefore, the appeal as well as the eviction petition, pending before Rent Controller, qua other tenant Mohammed Islam, be decided simultaneously, as the same will establish the bonafide of the personal necessity as pleaded by the landlord.

However, the aforesaid submission is not tenable. In the impugned order, it has been rightly observed by learned Appellate Authority that the appeal as well as eviction petition, pending before the Rent Controller, are to be decided on the strength of material and the evidence adduced by the parties to the case. The subject matter of both the appeal as well as eviction petition, relating to other tenant, who has no concern, as such, with the present petitioner, are separate matters. Both the cases are required to be decided, on appraisal of the evidence led in both the respective matters. It matters not much, that both the shops are stated to be required by the landlord for his bonafide need. The same can be appraised, only when the matter comes up for hearing by the respective Courts. In these circumstances, learned Appellate Court has rightly declined the

matters simultaneously.

Accordingly, there is no merit in revision petition and as such,
the same is hereby dismissed.

December 22, 2021
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No