

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

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CR-3302-2021 (O&M)
Date of Decision : 15.12.2021

Sandeep Gupta

..... Petitioner

vs

Arun Gupta

.... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr.Amar Vivek Aggarwal, Advocate and
Ms. Neha Rathi, Advocate for the petitioner.

Mr. Anuj Garg, Advocate
for the respondent/caveator.

VINOD S. BHARDWAJ (Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

By means of the instant petition, the petitioner has raised a challenge to the order dated 14.10.2021 passed in Rent Appeal No.02/2018. It would, however, be pertinent that the order appended on page 25 of the paper book is the order dated 14.10.2021, however, the said order has been passed in the connected RA No.07/2018.

Learned counsel for the petitioner pleads that such error has occurred on account of inadvertence and that the correct order dated 14.10.2021 passed in the connected RA No.02/2018 has been furnished. Copy of the said order dated 14.10.2021 passed in RA No.02/2018 has also been circulated on the whatsapp group and is acceded to by the learned

counsel appearing on behalf of the caveator-respondent. The corrected order is taken on record and the same may be substituted in place of the order dated 14.10.2021 available on page No.25 of the paper book.

Learned counsel for the petitioner submits that the petitioner as well as the landlord had preferred two rent appeals against the orders passed by the Rent Controller. There was an interim order operating in favour of the tenant against his eviction and an interim order operating in favour of the landlord against directions to refund the excess rent.

Be that as it may, both the rent appeals were being heard together by the learned Appellate Authority. It is further contended that the appeals in questions were listed before the Appellate Authority on 14.10.2021, however, as the counsel for the petitioner was held up in arguing an old appeal before another Court, he could not file an appearance in the rent appeal. Resultantly, vide the impugned order dated 14.10.2021, the rent appeal bearing No.02/2018 was dismissed in default whereas the tenant/petitioner was ordered to be proceeded against *exparte* in the Rent Appeal No.07/2018. Counsel for the petitioner further submits that an application for restoration of Rent Appeal No.02/2018 was moved on behalf of the petitioner on 25.10.2021. The notice in the application was issued on 18.11.2021. However, as the Presiding Officer/Appellate Authority proceeded on leave, hence, the application was taken up on 17.11.2021 and was adjourned to 03.01.2022 by order. Owing to the execution proceedings being undertaken by the Executing Court, an application for preponement of the restoration application was filed on 28.11.2021 and also on 09.12.2021, however to no respite. It is also contended that the application for restoration making out sufficient cause for his absence on 14.10.2021 is pending adjudicating before the Appellae

Authority and in the meantime, the Executing Court is proceeding with the execution process.

Learned counsel for the caveator has also joined proceedings as an advance copy of the petition had been served upon him. It has been fairly submitted by learned counsel appearing on behalf of the caveator-respondent/landlord that as the restoration application is fixed before the Appellate Authority on 03.01.2022, the landlord shall not insist upon the execution proceedings till the matter fixed before the Appellate Authority is taken up on the date fixed i.e. 03.01.2022.

In view of the fair stand adopted by learned counsel for the caveator/landlord, learned counsel appearing on behalf of the petitioner does not press this petition.

Needless to mention that the parties shall remain bound by their statments.

Learned counsel for the respondent/landlord contends that the Appellate Authority may, however, be directed to conclude the proceedings in a time bound manner.

Learned counsel for the petitioner submits that he has no objection in acceding to the request made on behalf of the learned counsel appering on behalf of the caveator-respondent. It is also assured by the learned counsel appearing on behalf of the appellant that he shall make every endeavour for expeditious disposal and to ensure that the disposal of the matter is not delayed on account of any default on his part.

Let such a request be made by the parties before the Appellate Authority. This Court feels no reason that in the event both the parties making an earnest endeavour, why the appeal(s) in question are not decided in an expeditious manner. The parties shall remain bound by their

statments. It is however submitted that this Court has not examined the dipsute on its merit and has passed the order on the consensus amongst the parties.

No further orders are called for. Petition is disposed of as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

15.12.2021

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No