

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

CR-213-2017 (O&M)

Date of decision : 29.08.2022

Gurwinder Singh

... Petitioner(s)

Versus

Raj Kaur

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Veneet Sharma, Advocate for the petitioner.

Ms. Rupinder Kaur Thind, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

The present revision petition has been preferred against the order dated 30.11.2016 whereby the Appellate Authority had, after allowing the amendment, proceeded to adjourn the matter for recording of the evidence.

Learned counsel for the petitioner would contend that the Rent Controller had dismissed the ejectment petition holding that the landlady-respondent could not co-relate the property purchased by her with the demised premises. On the remaining issues, no finding was recorded. Learned counsel for the petitioner would further contend that qua issue No.1 whether there is *bonafide* requirement of the premises for the husband of the landlady-respondent, no finding has been returned by the Rent Controller and hence a report ought to have been called for on both the points i.e. (i) regarding *bonafide* requirement and (ii) regarding status of the landlady-respondent viz-a-viz the property in question.

Learned counsel for the respondent is not in a position to dispute the fact that there is no finding which has been returned by the Rent Controller qua the *bonafide* necessity and hence the finding would be required to be given on issue No.1 qua *bonafide* requirement also.

In view of the above, the impugned order dated 30.11.2016 is set aside. The Rent Controller shall give a report qua the *bona fide* requirement of the demised property as also whether, based on the amendment, the demised premises is the same as that which was purchased by the landlady-respondent vide sale deed dated 10.07.2012. The Rent Controller shall submit the report after considering the evidence already led as well as any additional evidence which may be led by the parties who shall be given two effective opportunities to lead their evidence. The Rent Controller is requested to conclude the inquiry in accordance with law and submit the report to the Appellate Authority within a period of six months from the date of passing of this order. The Appellate Authority shall then proceed to decide the appeal in accordance with law.

The parties are directed to appear before the Rent Controller on 15.09.2022 at 10.00 A.M.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

29.08.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO