

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

(1) CR-1974 of 2021 (O&M)

Vaibhav Vashishta

...Petitioner

Versus

Ganga Sarup Vashishta and others

...Respondents

(2) CR-2424 of 2021 (O&M)

Devender Kumar Vashishta

...Petitioner

Versus

Ganga Sarup Vashishta and others

...Respondents

Date of decision: 14.03.2022

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Amit Jain, Advocate for the petitioner
in CR-1974-2021 and on behalf of
Dr. A.K. Bishnoi, Advocate for the petitioner
in CR-2424-2021.

Mr. Sudhir Aggarwal, Advocate for respondent No.1.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This order of mine shall dispose of aforementioned revision petitions, as the issue involved therein is common.

These revision petitions are directed against the direction issued by Addl. District Judge-cum-Appellate Authority, Gurugram, vide judgment dated 29.02.2020, remanding the case back to Rent Controller, Gurugram for fresh adjudication.

Briefly stated facts of the case are that on an ejectment petition filed by petitioner/landlord Ganga Sarup Vashista since dead now represented by his LR against respondent/tenant Vaibhav Vashishta and others, Rent Controller, Gurugram, vide judgment/order dated 12.10.2015 dismissed the petition.

Feeling aggrieved, the appellant/petitioner had filed an appeal before Addl. District Judge-cum-Appellate Authority, Gurugram, which after contest was disposed of, vide judgment dated 29.02.2020 and Addl. District Judge-cum-Appellate Authority, Gurugram finding faults with the conclusions arrived at by the Rent Controller, Gurugram, observed that Rent Controller, Gurugram had failed to discuss any of the issues framed in the ejectment petition and had laid the entire emphasis on various documents placed on record by the respondents regarding title of demised premises, remanded the case to Rent Controller to decide the rent petition afresh after hearing the arguments, in the process, the judgment passed by the Rent Controller, Gurugram was set aside and a direction was issued to him to decide the case afresh after hearing the arguments expeditiously, preferably within a period of six months.

Feeling dissatisfied with the said judgment, the tenant Vaibhav Vashishta has filed the present revision petitions, notice of which was given to the respondent, who has put in appearance through counsel.

Today, learned counsel appearing for respondent No.1 has stated that since there is no provision in the East Punjab Urban Rent Restriction Act, 1949 for remand of the case by the Appellate Authority

to the Rent Controller, therefore, he does not want to contest the revision petitions, which may be accepted. However, a direction be issued to the Appellate Authority to decide the case expeditiously.

Learned counsel appearing for the revisionist is also agreeable for issuance of direction to Addl. District Judge-cum-Appellate Authority, Gurugram for disposal of the appeal in an expeditious manner.

Under the circumstances, the revision petitions are accepted. The impugned judgment passed by Sh. Sanjay Kumar, Addl. District Judge-cum-Appellate Authority, Gurugram dated 29.02.2020 remanding the case to Rent Controller, Gurugram for fresh disposal is set aside. Resultantly, Addl. District Judge-cum-Appellate Authority, Gurugram would decide the appeal on merits after affording an opportunity to both the parties to advance arguments. The appeal be disposed of in a prompt manner preferably within a period of 06 months from the date of receipt of copy of this order in that Court. As a result of final disposal of the revision petitions, the interim order passed therein stands withdrawn.

The parties through counsel are directed to appear before the Appellate Authority on 01.04.2022.

A copy of this order be sent to the Appellate Authority, Gurugram for information and necessary compliance.

14.03.2022

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No