

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

110

CR No.1456 of 2023

Date of decision: 09.03.2023

Amit Aggarwal

....Petitioner

V/s

Hansa Devi

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Prashant Singh Chauhan, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

This revision petition has been filed by the petitioner-tenant under Article 227 of the Constitution of India, aggrieved by order dated 02.02.2023 passed by the District Judge, Narnaul, whereby the application for transfer of the two cases pending before different Rent Controllers, to one and the same Court, has been dismissed.

Learned counsel for the petitioner submits that two separate rent petitions between the petitioner-tenant and respondent-landlord are pending before two different Rent Controllers at Narnaul. One of the rent petitions, which has been instituted by the respondent-landlord is for eviction of the tenant-petitioner on the ground of non-payment of rent and personal necessity, whereas the other rent petition has been instituted by the petitioner-tenant, seeking direction to the landlord to remove the waste material from the roof of the demised premises and get the roof repaired or he be permitted to do so, as the landlord has refused to carry out the same.

Petitioner-tenant moved an application seeking transfer of the aforesaid rent petitions to one and the same Rent Controller. Upon notice, the said application was contested by the respondent-landlord. After considering the contentions of both the parties, learned District Judge, Narnaul held that as both

the matters are of different nature and reliefs sought for therein differs, therefore, there is no reason to transfer both the cases to one Court. The said finding has been challenged in the present revision petition.

Heard learned counsel for the petitioner and with his able assistance, have perused the paper-book.

In the present case, it is not disputed that in the rent petition preferred by the respondent-landlord under Section 13(3) of the Haryana Urban (Control of Rent and Eviction) Act, 1973, the grounds taken for seeking eviction of the petitioner-tenant are non-payment of rent and that the landlord requires the demised premises for personal need. It is also not the case of the petitioner-tenant that eviction has been sought on the ground that the building has become unfit and unsafe for human habitation. Thus, the two rent petitions are independent and the decision of one would not have a bearing on the other.

From the record it is evident that the relief sought in the two petitions noticed above is entirely different and even the evidence that may be required to be adduced on record would not overlap. In the light of the nature of the relief sought in the respective rent petitions, this Court does not find any infirmity in the impugned order. Moreover, it is not the case of the petitioner that any prejudice would be caused to either party if the aforesaid rent petitions are disposed of by the respective Rent Controllers, where the said proceedings are pending.

In the light of the above, instant petition being bereft of merit is liable to fail.

Accordingly, the present revision petition is dismissed.

(VIKAS SURI)
JUDGE

March 09, 2023

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No