

2023:PHHC:164269
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5518 of 2023(O&M)
Date of decision:20.12.2023.

Narinder Singh

...Petitioner

Versus

Pritpal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr.Sanjiv Gupta, Advocate for the respondent No.1.

NAMIT KUMAR, J.

The present Revision petition has been filed against the judgement dated 18.07.2023 passed by the Appellate Authority, Patiala and judgement dated 17.01.2023 passed by Rent Controller, Patiala.

While issuing notice of motion on 19.09.2023, this Court had passed the following order:-

The instant revision petition has been filed by the petitioner for setting aside the impugned judgment dated 18.07.2023, passed by the learned Appellate Authority, Patiala, whereby the appeal filed by the appellant/petitioner has been dismissed and judgment dated 17.01.2023, passed by the learned Rent Controller, Patiala, whereby the petition filed by the respondent-landlord under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, has been allowed.

Learned counsel for the petitioner inter alia contends that the eviction petition was filed by the respondent-landlord mainly on two grounds i.e. with regard to non-payment of arrears of rent and his bona fide requirement. The learned Rent Controller vide judgment dated 17.01.2023 has accepted the eviction petition on the ground that the petitioner/tenant has not tendered the rent and also by accepting the plea of the respondent-landlord with regard to the bona fide requirement of the shop in question.

Learned counsel for the petitioner submits that the petitioner has paid all the arrears, as is clear from a bare perusal of the orders dated 01.03.2021(Annexure P-4) and 01.08.2023 (Annexure P-5).

Learned counsel for the petitioner further submits that no finding has been recorded by the learned Appellate Authority with regard to the bona fide requirement of the petitioner qua the shop in dispute.

*Notice of motion, returnable on 20.12.2023.
Process dasti only.*

In the meanwhile, the Executing Court is directed to adjourn the proceedings beyond the date fixed in the present case.

Counsel for respondent No.1 -landlord submits that contention raised by the counsel for the petitioner that no finding has been recorded by the learned Appellate Authority with regard to the bonafide requirement of the petitioner qua shop in dispute is correct and has no objection if the case is remanded back to the Appellate Authority for passing a fresh order on the plea of a “bonafide necessity”.

In view of the above, the order dated 18.07.2023 passed by the learned Appellate Authority, Patiala is set aside and the case is remanded back for a fresh decision, with in a period of three months from today.

Counsel for the petitioner undertakes to pay all the due arrears, if any within a period of two weeks from today and shall continue to pay the monthly rent.

Disposed of in above terms.

Parties are directed to appear before the Appellate Authority on 05.01.2024.

Pending applications, if any, shall stands disposed of.

(NAMIT KUMAR)
JUDGE

20.12.2023.
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No