

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR-490-2024 (O&M)

Decided on: 02.05.2024

Manjula Garg and another

...Petitioners

Versus

Rakesh Kumar Arora and another

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Surinder Gandhi, Advocate
for the petitioners.

Mr. Vineet Chaudhary, Advocate
for respondent No.1.

RITU TAGORE, J.

1. This revision is directed against the order dated 23.11.2023 (Annexure P-6) of assessment of provisional rent and order dated 07.12.2023 of eviction of the petitioners from the demised premises on ground of non-payment of rent, passed by learned Rent Controller, Ambala, in ejectment petition bearing No.RP-30-2019 titled as ‘Rakesh Kumar and another Vs. Manjula Garg and others’, with further prayer to issue directions to the learned Rent Controller, Ambala to decide the application under Order XIII Rule 1 CPC (Annexure P-5) and issuance of directions to respondents-landlord to provide original rent deed dated 03.01.2004.
2. Learned counsel contends that the petitioners have denied the relationship of landlord and tenant between the parties. Further, respondents

– landlords did not produce the original rent agreement in the Court, despite directions from learned Rent Controller, Ambala, vide order dated 31.08.2022 (Annexure P-3). Despite that, learned Rent Controller, Ambala, assessed the provisional rent and went on to pass the eviction order against the petitioners, and also ordered police help for taking possession of the demised premises, without their being any execution application filed by the landlords for implementation of the eviction order. The learned counsel submits that the learned Rent Controller passed the aforesaid orders dated 23.11.2023 (Annexure P-6) and 07.12.2023 (Annexure P-8) against the settled provisions of law. The orders are perverse on the face of it and are liable to be set aside under the supervisory jurisdiction of this Court.

3. On the contrary, learned counsel for the respondents submits that present revision petition has become infructuous as learned Appellate Authority, Ambala, vide order dated 03.04.2024, has partly allowed the appeal preferred by the petitioners, setting aside the directions to provide police help taking possession of the demise premises and breaking open the locks except for upholding the eviction order as passed by the learned Rent Controller.

4. Learned counsel for the respondents argued that the issues raised in the present revision petition have also been the subject matter of the appeal, which have been addressed in detail by the learned Appellate Authority, in its order dated 03.04.2024. It is stated that as a result, this revision no more survives and prays for its dismissal.

5. I have heard learned counsel for the parties and gone through the paper book and the order dated 03.04.2024 passed by the learned Appellate Authority, Ambala, the photocopy of which was tendered before this Court on 23.04.2024 by the counsel for the respondent.

6. The learned counsel for the petitioner could not deny that appeal preferred by the petitioners against the order dated 07.12.2023 has been decided by the learned Appellate Authority, Amabala vide order dated 03.04.2024 thereby partly allowing the appeal of the petitioners by setting aside the order of issuance of warrants of possession of the premises and directions to provide police help or breaking open the lock of the premises in presence of the bailiff, while upholding the order of ejectment of the petitioners (appellants before the learned Appellate Authority, Ambala) from the demise premises.

7. The perusal of order dated 03.04.2024 passed by Appellate Authority, Ambala further indicate that all the issues taken in this revision has been taken in the appeal. In the order of learned Appellate Authority it is mentioned that civil miscellaneous appeal filed by the petitioners against the order dated 23.11.2023 of provision assessment of rent passed by learned Rent Controller was dismissed.

8. In view of the above position, the present revision has rendered infructuous calling for no further orders in the present revision. The remedy available with the petitioner is to seek redressal of his rights, if so available under the law after the dismissal of their appeal. Accordingly, revision petition stands dismissed being infructuous.

9. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

02.05.2024
Rimpal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No