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

CR-1243-2023
Date of decision: 23.10.2024

Vinay Kashyap ...Petitioner

Versus

Bhupinder Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. L.S. Sidhu, Advocate for the petitioner.
Mr. B.B. Bagga, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 24.08.2022 passed by the Rent Controller, Samrala, District Ludhiana whereby an application filed by the petitioner under Section 31 of the Punjab Relief of Indebtedness Act, 1934 has been dismissed.
2. During the course of arguments, it has been pointed out by learned counsel for the petitioner as well as counsel for respondent No.1 that vide detailed order dated 24.08.2022, an eviction order was passed against the petitioner and against the said order, a rent appeal has been filed and the same is pending. It is further pointed out that the impugned order dated 24.08.2022 had been passed on the same day by the same Court as the eviction order and the effect of the said impugned order had been considered by the Rent Controller in the detailed judgment dated



24.08.2022 under issue No.1(A). It is submitted that in the said circumstances, the present revision petition be disposed of with liberty to the petitioner to raise an additional ground of challenge in the grounds of appeal with respect to the impugned order dated 24.08.2022, if already not raised, and the said aspect be considered by the First Appellate Authority at the time of finally deciding the rent appeal.

3. Keeping in view the abovesaid facts and circumstances, the present revision petition is disposed of with liberty to the petitioner to amend the grounds of appeal before the Appellate Authority so as to lay specific challenge to the order dated 24.08.2022 (Annexure P-12), which has been impugned in the present case, by making a specific ground regarding the same as the said order had been passed in the same proceedings in which a detailed judgment dated 24.08.2022 had been passed ordering the eviction of the petitioner from the premises in question and in case, such an amendment is sought, the same would be allowed and the said aspect would be considered along with the other grounds by the First Appellate Authority at the time of finally deciding the rent appeal.

4. It is made clear that this Court has not opined on the merits of the controversy and it would be open to both the parties to raise all the pleas available to them, in accordance with law, in the main rent appeal.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.10.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No