

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

122

CR-1309-2024 (O&M)
Date of decision:01.03.2024

Manju

... Petitioner

Vs.

Satbir Singh

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Ashish Chopra, Sr. Advocate with
Mr. Gagandeep Singh, Advocate for the petitioner.

...

SUKHVINDER KAUR, J. (ORAL).

1. Instant revision petition has been filed by the petitioner against the order dated 09.02.2024 passed by the Additional District Judge, Gurugram in Civil Appeal No.897 of 2023, vide which he declined to stay the the impugned judgment dated 05.12.2023 passed by the Rent Controller Gurugram.

2. Facts which are relevant for the purpose of adjudication of the present revision petition are that the landlord/petitioner filed an ejectment petition under Section 13 (2)(i) and (3) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 against the tenant/respondent. The said ejectment petition was partly allowed by the Rent Controller, Gurugram vide judgment dated 05.12.2023. Aggrieved against the said order, the revision petitioner/tenant filed an appeal along with stay application before the Appellate Court, Gurugram for setting aside judgment dated 05.12.2023 passed by the Rent Controller, Gurugram. Thereafter vide the impugned

order dated 09.02.2024 passed by the Appellate Court, Gurugram, the Appellate Court held that at this stage of the case, no ground was made out to stay the judgment of the Rent Controller and the aforesaid grounds have been dealt with in detail in the judgment. So aggrieved of the said order, the revision petitioner has knocked the doors of this Court by way of filing the present revision petition.

3. Learned senior counsel appearing for the petitioner has contended that no adequate reason has been given in the impugned order for not granting the stay and even the apparent reason so given does not justify the rejection of the prayer for stay. Having regard to controversy involved in the *lis*, in case the appeal succeeds then the petitioner would be entitled to retain the possession of the demised premises from the respondent which is taken on the basis of the ejectment order passed in his favour. He has contended that if the order dated 05.12.2023 passed by the Rent Controller regarding eviction is not stayed then the appeal filed by the petitioner would be rendered infructuous, which is still pending before the Appellate Authority for adjudication. However, during the course of arguments, learned senior counsel for the petitioners has submitted that he would be satisfied if a direction is issued to the Appellate Court to decide the stay application in a time bound manner.

4. So keeping the aforesaid, the Appellate Court is directed to decide the stay application of the petitioner/tenant pending before it expeditiously, in accordance with law after hearing both the parties, preferably, within a period of one month from the date of receipt of a copy of this order.

- 5. Revision petition is disposed of in the aforesaid terms.
- 6. All pending applications, if any, also stand disposed of accordingly.

01.03.2024
harjeet

(SUKHVINDER KAUR)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |