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

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**CWP-18319-2024 (O&M).
Date of Decision: 05.08.2024.**

KIRAN BALA AND ANOTHER

... Petitioners

Versus

**APPELLATE AUTHORITY, EAST PUNJAB URBAN RENT
RESTRICTION ACT, LUDHIANA AND ANOTHER**

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. B.K.Mehta, Advocate
(Through video conference),
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition was for seeking
issuance of directions to respondent No.1-Appellate Authority, East Punjab
Urban Rent Restriction Act, Ludhiana, to take a decision in C.M.No.120 of
2020 titled as 'Kiran Bala and another Vs. Baljinder Singh' pending before
it for 03.09.2024 in an expeditious manner.

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2. Learned counsel for the petitioners contends that the petitioners are landlords of the demised premises bearing House No.797/2-C. They instituted an ejectment petition bearing R.P. No.34839 of 2013 under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of the respondent on 20.02.2013. The said rent petition was dismissed by the Rent Controller, Ludhiana vide order dated 29.04.2017. An appeal was preferred by the petitioner before the Appellate Authority, Ludhiana which was allowed vide order dated 28.03.2019 and eviction of the respondent was ordered within a period of 02 months. The respondent approached this Court by filing CR No.3147 of 2019 challenging the order passed by the Appellate Authority. The said revision petition has been admitted as per order dated 02.07.2019 and the Registry was directed to list the main petition for final disposal in the month of January 2020. The said revision petition could not be listed. On the other hand, the petitioners moved an application before the Appellate Authority seeking correction of the findings recorded on issue No.4, for the reasons that the Appellate Authority had recorded in its order that said issue had not been pressed. He submits that the above said application for seeking clarification in the order dated 28.03.2019 passed by the Appellate Authority is pending since then and no decision has been taken thereupon.

3. Learned counsel for the petitioners does not dispute that this Court is already seized of the entire dispute in CR No.3147 of 2019 and the matter is *sub judice*. He also does not dispute that the petitioners could have

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moved an appropriate revision petition against the findings recorded by the Appellate Authority on issue No.4.

4. Faced with above, learned counsel for the petitioners seeks permission to withdraw the present writ petition so as to take recourse to the appropriate alternative remedies available to the petitioners in accordance with law.

5. Disposed of as withdrawn with liberties as aforesaid.

6. Needless to mention that in the event of the petitioners preferring any such appeal/petition/application, the period during which the proceedings remained pending before the respective appropriate forums shall be taken into consideration in computing the limitation.

August 05, 2024
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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