



CR-5017-2024(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5017-2024(O&M)

Date of decision : 04.10.2024

Davinder Singh

... Petitioner

Versus

Sarita Arora

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Divanshu Jain, Advocate,
Ms.Minkal Rawal, Advocate and
Mr.Abhinav Goel, Advocate
for the petitioner.

Mr.V.K. Sandhir, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present revision petition is to the order dated 22.07.2019 passed by the Rent Controller as well as order dated 10.07.2024 passed by the Appellate Authority whereby the eviction petition filed by the respondent has been allowed and the appeal arising therefrom has been dismissed.

2. On 03.10.2024, this Court was pleased to pass the following order:-

“Inter alia, contends that in the present case, apart from other issues, an application under Order 41 Rule 27 read with Section 151 CPC was filed by the petitioner, a copy of which has been annexed as Annexure P-16 and in the said



application, notice was issued and even a reply dated 29.11.2022 (Annexure P-17) was filed by the respondent, however, vide the judgment dated 10.07.2024 passed by the Appellate Authority, the said application was not decided and even no separate order deciding the same had been passed. It is submitted that in such a situation, the judgment of the Appellate Authority deserves to be set aside on the said ground alone and the matter deserves to be remanded back. In support of his arguments, learned counsel for the petitioner has placed reliance upon the following judgments: -

(i) S. Gurdial Singh Vs. S. Narinder Singh and another, decided on 21.04.2016 passed in Civil Revision No.2399 of 2016.

(ii) Jatinder Singh and another minor through mother Vs. Mehar Singh and others, reported as 2009(17) SCC 465.

(iii) Malayalam Plantations Ltd. Vs. State of Kerala and another, reported as 2010(4) SCC (Civil) 951.

(iv) Jagir Kaur Vs. Nirmal Singh, decided on 06.05.1993 reported as 1993(2) RRR 511.

(v) Vikas Tusher Vs. Virender Kumar Bansal and another, decided on 30.07.2014 passed in RSA No. 1074 of 2011.

(vi) Daljit Singh and another Vs. Baljit Kaur, decided on 25.10.2017 passed in Civil Revision No.6325 of 2017.

(vii) State Bank of Patiala Vs. Des Raj Jain, reported as 2000 (3) R.C.R. (Civil) 406.

(viii) Sham Lal and sons etc. Vs. Rajiv Kumar, reported as 2010(44) R.C.R. (Civil) 764.

(ix) Karnail Singh Vs. Vidya Devi wife of Gaggan Ram, reported as 1980(1) R.C.R. (Rent) 592.

(x) Darshan Singh Vs. Jagdish Kumar and another,



reported as 1974 RCR (Rent) 99.

(xi) Banke Ram Vs. Shrimati Sarasvati Devi, reported as 1977 (1) RCR (Rent) 595.

(xii) Radhey Shyam Vs. Raj Kumar, reported as 2010 (2) RCR (Civil) 697.

(xiii) Gita Ram Kalsy Vs. Arjan Singh Kalsy (Died) through his LRs, reported as 1996(2) RRR 303.

Learned counsel for respondent prays for an adjournment to get instructions in the matter.

Till the next date of hearing, status quo, as it exists today be maintained.

Adjourned to 04.10.2024.

To be shown in the urgent list.”

3. Learned counsel appearing for the respondent has fairly submitted that the application under Order 41 Rule 27 read with Section 151 CPC has not been decided and has submitted that in case the matter is remanded, then the same be decided afresh by the appellate authority in a time bound manner.

4. Keeping in view the above said facts and circumstances and also the law laid down in the above said judgments which requires the Appellate Authority to consider the application under Order 41 Rule 27 CPC and to decide the same either while passing the main judgment or by virtue of a separate order of even date at the time of deciding the appeal, which has not been done in the present case, the present revision petition is partly allowed and the judgment of the Appellate Authority dated 10.07.2024 is set aside and the case is remanded to the Appellate Authority for afresh decision in Rent Appeal no.RA/87/2019. The Appellate Authority



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would decide the case afresh along with the application under Order 41 Rule 27 CPC in accordance with the law laid down in the above said judgments. Both the parties are directed to appear before the Appellate Authority on 17.10.2024 and the Appellate Authority is requested to decide the appeal no.RA/87/2019 afresh, in accordance with the law laid down in the above said judgments, as expeditiously as possible, preferably within a period of six weeks from 17.10.2024.

5. It is made clear that this Court has not opined on the merits of the case or even on the merits of the application. It would be open to both the parties to raise all pleas as available to them in law and the Appellate Authority would decide the same, in accordance with law.

(VIKAS BAHL)
JUDGE

October 04, 2024.
Davinder Kumar

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