

**CR-7568-2019 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(107)****CR-7568-2019 (O&M)****Date of Decision: - 06.02.2025****M/s Integrated Hotels Pvt. Ltd.****....Petitioner****Versus****Pushpa Ahuja and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Prateek Gupta, Advocate,
for the petitioner.

Mr. Anuj Kohli, Advocate
for the respondents.

**********VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India against the order dated 15.05.2019 (Annexure P-1) passed by the 1st Appellate Authority, Faridabad, whereby the appeal filed by the petitioner against the order dated 17.08.2017 (Annexure P-2) challenging the provisional assessment of rent has been dismissed.

2. Learned counsel for the petitioner has submitted that in the present case, the provisional assessment was done vide order dated 17.08.2017 (Annexure P-2) and since there was non-compliance of the same, without trial the eviction order was passed on 31.08.2017. It is further submitted that in pursuance of the said order, the possession has



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already been handed over to the respondents-landlords. It is submitted that the petitioner/tenant was under the impression that since the possession has been handed over, thus, the appeal filed by the petitioner, in the first instance against the order of provisional assessment was withdrawn and the second appeal has been dismissed. It is submitted that the primary reason for filing the present revision petition is that the respondents have now filed a civil suit for mandatory injunction for recovery of the said amount of rent and in the said proceedings, the observations in the impugned order, may now create an estoppel against the present petitioner to raise all pleas as are available to it to defend the said civil suit.

3. Learned counsel for the respondents has submitted that the landlords have a *prima facie* case and would be able to show the rate of rent as well as the period for which the same has not been paid, in the civil suit, independently, on the basis of evidence produced in the said civil suit. It is further submitted that although it is the case of the petitioner that the possession was handed over after giving a statement in the appeal, which was withdrawn on 18.01.2018, whereas, it is the case of the respondents that the possession was handed over on 13.08.2018. It is submitted that in case the petitioner is granted liberty to raise all pleas in the civil suit, then even the respondents be granted liberty to raise all pleas which are available to them, in the said civil proceedings.

4. During the course of arguments, a consensus has arisen between learned counsel for the petitioner and learned counsel for the

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respondents, after getting instructions from their respective parties, that the civil suit be decided independently on the basis of the evidence produced before the Court, keeping all pleas of both the parties open and the same be decided independent of the observations made in the impugned order.

5. Keeping in view the above-said facts and circumstances and the fair stand taken by the learned counsel for the petitioner as well as learned counsel for the respondents, the present revision petition is disposed of with the observation that the civil suit filed by the respondents for mandatory injunction would be decided by the trial Court independent of the observations made in the impugned orders and it would be open to both the parties to raise all pleas as available to them in the said civil suit.

6. All pending application(s), if any, stand disposed of in view of the present order.

February 06, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No