

**Sr. No.124+274****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CM-21476-CII-2025; CM-21478-CII-2025 with
CM-22625-CII-2025 in CM-21477-CII-2025
in/and CR-6861-2025 (O&M)
Date of decision: 13th November 2025****ABHINAV THAPAR****.....Petitioner****versus****MEERA JINDAL****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vikram Singh Brar, Advocate and
Ms. Arushi Lamba, Advocate
for the petitioner.

Mr. Aakash Singla, Advocate
for the respondent.

HARPREET KAUR JEEWAN, J. (ORAL)**Main case**

1. The present Civil Revision has been filed by the petitioner-tenant assailing the impugned order dated 08.09.2025 (Annexure P-6), passed by the Appellate Authority, Patiala, whereby, the following order passed by the learned Rent Controller, Patiala was upheld:-

“xxx xxx xxx xxx

26. *In view of the above-said discussion, the application to leave to defend filed by respondent is dismissed being devoid of merits. Consequently, eviction application of the applicant/landlady succeeds and same is hereby allowed with costs and the respondent is hereby evicted from the demised premises and is directed to handover the vacant physical possession of the demised premises to the applicant within one month from the date of order, failing which the applicant is at liberty to approach the court for getting the possession of the demised premise in*



accordance with law. Memo of cost be prepared. File be consigned to the record room after due compliance.”

2. Learned counsel for the petitioner contends that the respondent-landlord filed an ejectment petition against the petitioner-tenant seeking his ejectment from the demised premises i.e. House No.11-A, Gian Colony, Patiala, invoking the provisions of the Punjab Rent Act, 1995 (*hereinafter referred to as “the Act”*). It is further contended that the application filed by the petitioner seeking leave to defend was dismissed by the learned Rent Controller vide order dated 19.01.2024 (Annexure P-3). However, without affording any opportunity to the petitioner and without waiting for the statutory period to file the review application, even the ejectment order was passed by the learned Rent Controller.

3. It is further contended that a common order has been passed, dismissing the application for leave to defend as well as the ejectment of the petitioner-tenant. The said order has been upheld by the Appellate Authority, which is contrary to law. The petitioner has a statutory right of review under Section 38(7)(e) of the Act.

4. *Per contra*, learned counsel for the respondent has filed an application with a prayer that the present revision petition may be disposed of in terms of the judgment of the Co-ordinate Bench passed in **“*Sarabjit Dhalla vs. Pishori Lal and Another; 2025 (2) R.C.R. (Rent) 135*”**, whereby, following order was passed:-

“xxxxxxx

6. *During the course of arguments, a consensus has been arrived at between the learned counsel for the petitioner as well as learned counsel for the respondents in order to resolve the matter and also in view of the fact that subsequent to passing of the*



impugned order, a review application has already been filed by respondents-tenants, which is now listed for 09.05.2025 for arguments. On the basis of said consensus, the present petition is disposed of with the following observations/ directions:

i) The order passed by the Rent Controller on 16.04.2024 rejecting the leave to contest filed by the respondents-tenants is, to the said extent, held to be valid, subject to the right of the respondents-tenants to file and pursue a review application, which has admittedly already been filed and is stated to be listed for arguments on 09.05.2025. It would be open to the respondents-tenants as well the petitioner to raise all their pleas in the said review application, in accordance with law. The upholding of the order of the Rent Controller by this Court to the said extent should not be construed as a decision on merits so as to influence the review application which has been filed by the tenants, which would be decided independently in accordance with law.

ii) The order of the Rent Controller dated 16.04.2024, to the extent that the eviction order has also been simultaneously passed, is set aside to the said extent with the observations that in case the review application filed by the respondents-tenants is dismissed, then it would be open to the Rent Controller to pass an order of eviction at that stage. It is again clarified that setting aside of the said part of the order of the Rent Controller dated 16.04.2024, vide which eviction order has been passed, should not be construed as an expression on the merits of the case and would not bar the Rent Controller from passing a fresh eviction order, in case the review application filed by the respondents-tenants is dismissed. Needless to say that in case the review application is allowed and the leave to contest is allowed, then the Rent Controller would proceed in accordance with law. The present observations should also not be construed as an expression on the merits of the review application, which should be decided independently in accordance with law.

xxxxxxx”

5. Learned counsel for the respondent-landlord further contends that at this stage, he does not press for his right to recover the outstanding arrears of rent, however, he may be granted an opportunity to raise such pleas before appropriate authority, at appropriate stage.

6. Learned counsel for the petitioner-tenant has consented to the aforesaid submissions made on behalf of the respondent and reserved his



right to raise all such pleas, on merits, before the learned Rent Controller and before the appropriate authority/Court, at appropriate stage.

7. Keeping in view the aforesaid consensus *inter se* the parties, the present petition stands disposed of in terms of the decision passed by the Co-ordinate Bench in *Sarabjit Dhalla’s case (supra)*.

8. Both the parties are directed to appear before the learned Rent Controller on **27.11.2025**.

9. This Court is confident that the learned Rent Controller, Patiala, shall take note of the provisions of Section 38(7)(e) of the Act, regarding the timeline for decision of the review application.

10. Pending miscellaneous applications shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13th November 2025
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>