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2025:PHHC:175857



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

CR-9422-2025

DECIDED ON: 19.12.2025

SANJEEV KUMAR MALHOTRA

.....PETITIONER

VERSUS

SUKHBIR SINGH

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sanjeev Gupta, Sr. Advocate with
Mr. Umesh Sharma, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present civil revision petition under Article 227 of the Constitution of India has been filed by the petitioner–landlord against the respondent–tenant, calling in question the order dated 05.12.2025 passed by the learned Appellate Authority, Patiala, whereby the appeal preferred by the respondent was allowed, the order dated 02.11.2023 passed by the learned Rent Controller, Patiala granting leave to contest was set aside, and the matter was remanded back to the Rent Controller for passing a fresh order on the application for leave to contest.

2. Briefly stated, the petitioner filed an eviction petition under Section 24 of the Punjab Rent Act, 1995 on the ground of personal necessity, claiming himself to be more than 65 years of age. The respondent appeared and moved an application seeking permission/leave to contest the eviction petition. Vide order dated 02.11.2023, the learned Rent Controller allowed

the said application and granted leave to contest. Pursuant thereto, the matter proceeded further and the petitioner–landlord led his evidence, which, as borne out from the record, already stands recorded and the case had reached the stage of respondent’s evidence.

3. Aggrieved by the grant of leave to contest, the respondent preferred an appeal before the learned Appellate Authority, Patiala which has been allowed vide the impugned order dated 05.12.2025, primarily on the ground that the Rent Controller had not assigned cogent reasons while allowing the application for leave to contest, and consequently the matter has been remanded back to the Rent Controller to decide the application afresh.

4. No notice was required to be issued to the respondent in the present matter, the issue involved being short and legal in nature.

5. Having heard learned counsel for the petitioner and after perusing the record, this Court finds that the central issue which arises for consideration is the legality and propriety of a remand order at a stage where evidence of the petitioner has already been recorded and the trial has substantially progressed.

6. It is a settled position of law that remand is not to be ordered as a matter of course. The power of remand is to be exercised sparingly and only when the appellate or revisional court finds that the proceedings suffer from a fundamental procedural illegality which goes to the root of the matter and cannot be cured otherwise. Once the parties have acted upon an order, and the proceedings have advanced substantially, the clock cannot ordinarily be set back unless grave prejudice or failure of justice is demonstrated.

7. In the present case, the order dated 02.11.2023 granting leave to contest was acted upon by both parties. The petitioner led his evidence and the matter proceeded further without demur. At this stage, to remand the case back for reconsideration of the application for leave to contest would not only result in duplication of proceedings, but would also defeat the object of expeditious disposal contemplated under the Punjab Rent Act, particularly under Section 24 of Punjab Rent Act, 1995, which provides a summary and time-bound mechanism.

8. Moreover, even assuming that the reasoning in the order granting leave to contest was brief, the same stood cured by subsequent proceedings, as the parties fully participated in the trial and evidence was led. Once evidence has been recorded, the question of setting aside the order granting leave to contest and remanding the matter for reconsideration of that very issue becomes largely academic and impermissible in law. Consequently, this Court holds that the remand ordered by the learned Appellate Authority is unsustainable in law. The proper course, if at all, was to adjudicate the matter on merits rather than to remit it back after substantial progress of the case.

9. Accordingly, the present civil revision petition is allowed. The impugned order dated 05.12.2025 passed by the learned Appellate Authority, Patiala is set aside. The order dated 02.11.2023 passed by the learned Rent Controller, Patiala granting leave to contest is restored. The learned Rent Controller shall make an endeavour to dispose of the eviction petition expeditiously, in accordance with law.

10. All pending miscellaneous application(s), if any, stands disposed of.

19.12.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

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