IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 661 of 2026

Date of decision: 6.11.2026

Mr.Peter Ta Tung Ling. **…Petitioner.**

Versus

Sh. Ashok Kumar Goel. **…Respondent.**

Coram

The Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting?[1]

For the Petitioner. ***Mr.Inderjeet Singh Narwal, Advocate.***

For the Respondents: ***Notice not issued.***

Vivek Singh Thakur, Judge (Oral)

This petition has been preferred by the petitioner seeking transfer of Rent Appeal No. 19/2026, along with pending application for interim relief, preferred by the petitioner against the order dated 31.07.2026 passed by Rent Controller-4, Shimla in CMA No. 191 of 2026, titled as Ashok Kumar Goyal Vs. Peter Ta Tung, which is pending before Appellate Authority-4, Shimla.

2. It has been submitted on behalf of petitioner that vide order dated 31.07.2026, Rent Controller-4, Shimla has worked out monthly rent at the rate of ₹7,68,000/- per month, which has been assailed by the

---

[1] ***Whether the reporters of the local papers may be allowed to see the Judgment? Yes***

petitioner by preferring the aforesaid appeal. However, as no Presiding Officer has been posted against the post of Appellate Authority No. 4-cum-Additional District Judge, Shimla as on date and, therefore, appeal preferred by the petitioner is not being listed for effective hearing, consideration/order, and in the meanwhile respondent is pressing for execution of order by filing Execution Petition, which is pending adjudication before Rent Controller-4 Shimla and has been listed for 23rd November, 2026.

3. It has also been submitted by learned counsel for the petitioner that at the time of preferring appeal by the petitioner, a caveat petition was also filed by the respondent before the Appellate Authority, and on the very first day objections were filed by the respondent, opposing preferring of appeal, including raising issues regarding maintainability thereof, and the matter was fixed for filing reply on 3rd October, 2026. But in the meanwhile, Presiding Officer was transferred, and thereafter for want of posting of Presiding Officer, the appeal is pending consideration, wherein next date has been fixed for 3rd December, 2026 for proper orders.

4. Keeping in view the nature of prayer and facts and circumstances and order proposed to be passed herein after, I am of the considered opinion that there is no necessity to issue notice of present petition to the respondent, as it would cause unnecessary harassment to the respondent and compelled him to engage a lawyer in present

proceedings, which can be disposed of on the basis of material available on record, as for want of posting of Presiding Officer, the matter in the given facts and circumstances deserves to be transferred, as prayed, from Appellate Authority-4 to some other Appellate Authority.

5. In the aforesaid facts and circumstances, Rent Appeal No. 19 of 2026 titled as Ashok Kumar Goyal Vs. Peter Ta Tung, pending before Appellate Authority No. 4, Shimla is directed to be transferred to Appellate Authority-I, Shimla (District Judge, Shimla), with liberty to the Appellate Authority-I, Shimla to adjudicate and decide the appeal itself or transfer the same to any other Appellate Authority which is not non-functional on account of non-availability or posting of Presiding Officer. The petitioner is directed to ensure his presence before Appellate Authority-1 on 18.11.2026 to enable the Appellate Authority-I to proceed further in accordance with law.

6. Needless to say, prayer with respect to staying or deferring the Execution Petition shall also be considered by the Appellate Authority-1 on its own merits.

The petition stands disposed of in aforesaid terms, alongwith pending applications, if any.

(Vivek Singh Thakur),
Judge.

16th November, 2026
(Keshav)