

2026:PHHC:084605



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**151-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4508-2026 (O&M)

Date of Decision: 27.05.2026

M/S NARULA AND COMPANY

...Petitioner

Versus

GURINDER SINGH CHATRATH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Rupinder Kaur Thind, Advocate
Mr. Bikramjit Singh, Advocate
Ms. Tudhjot Kaur Sidhu, Advocate
for the petitioner.

Mr. Balbir Singh Jaswal, Advocate
for the caveator/respondent.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred under Article 227 of Constitution of India by petitioner/tenant being aggrieved by order dated 22.05.2023, passed by learned Rent Controller, Amritsar vide which its application under Section 38 of Punjab Rent Act, 1995 for seeking leave to defend was dismissed and eviction order was passed, and also by order dated 17.04.2026, passed by learned Appellate Authority, Amritsar vide which appeal preferred by petitioner/tenant was also dismissed.

2. The sole argument to challenge the impugned order raised on behalf of learned counsel for petitioner/tenant is that in view of provisions of Section 38(7)(e) of Punjab Rent Act, 1995 tenant has a right to seek review within 10 days from passing of order declining leave to defend, therefore,

composite order declining leave to defend and eviction order cannot be passed. Reliance has been placed upon Division Bench judgment in case titled as **Manohar Lal & Ors. Vs. Amrinder Singh Poonia & Ors.**, CR-219-2025 dated 26.02.2026, wherein it is held as under :-

- “11. We find that once a specific provision for review of an order stands incorporated, the same has to be given effect to in letter and spirit. In case, the Rent Controller while declining an application seeking 'leave to defend' moved by the tenant, passes an order of ejectment on the same very day or by the same very composite order, the right as afforded under the new Act i.e. 1995 Act, for review of such order would virtually stand defeated.
12. Although the provisions of 1995 Act do not specifically mandate in so many words that the Rent Controller is obliged to adjourn the matter for at least 10 days after dismissing the application seeking 'leave to contest' so as to afford an opportunity to the tenant to exercise his right of review, but such an obligation has to be read into the provisions of Section 38(7)(e) of the 1995 Act, lest the provision for seeking review of order declining leave to contest would be rendered otiose. Any order of ejectment having been passed while divesting the tenant of such right to seek review, would have to be termed as an order passed in contravention of the provisions of the Act and would be required to be set aside. We are, thus, unable to subscribe to the contrary view taken by the Single Bench of this Court in *Harminster Singh @ Billu's case* (supra) that provision for filing review within 10 days of passing a detailed order declining leave to contest - '*would be nothing but an empty formality unless something had happened in the meanwhile favourable to the tenant and adversely affecting the case of the petitioner/landlord*'. On the other hand, in *Krishan Kumar's case* (supra) and in *Madan Lal's case* (supra), the provisions of section 38(7)(e) of 1995 Act have been interpreted in the right spirit bearing in mind the object sought to be achieved therein for providing opportunity to tenant to seek 'review' of order declining leave to contest.
13. Consequently, the questions posed in the referral order dated 02.09.2025 passed by Single Bench are answered accordingly to the effect that a composite order passed declining an application seeking 'leave to defend' and directing ejectment, in proceedings where the 1995 Act is applicable, would be an order defeating the provisions of section 38(7)(e) of the 1995 Act and an order in nullity to the extent it directs ejectment of tenant.
14. Having held so, the impugned composite order wherein eviction has been ordered straightway, depriving the tenant of his right to seek review of order declining leave cannot sustain to such extent. As such, the following order/directions are issued:
 - (i) The impugned order dated 16.10.2023, to the extent it directs the tenant to hand over vacant possession of premises to landlord is set aside to such extent.
 - (ii) The matter is, remanded back to the Rent Controller, SAS Nagar (Mohali) so as to enable the petitioners (tenants) to exercise their right of review against order dated 16.10.2023 so far as the same pertains to declining the application seeking 'leave to contest'.
 - (iii) The parties shall appear before the Rent Controller, SAS Nagar (Mohali) on 12.03.2026 who shall afford a period of atleast 10 days thereafter to the

petitioners (tenants) to move an appropriate application seeking review of order dated 16.10.2023.

- (iv) In case, such an application seeking review is filed, the same shall be disposed of within the time-frame prescribed under the Act. The matter shall proceed further thereafter as per provisions of the Act.
- (v) Unless there are extremely compelling and unavoidable circumstances, the matter be not adjourned as it is already more than 3 years ever since the landlord moved an application for ejectment of the tenants. The Rent Controller to ensure that the parties do not resort to dilatory tactics.”

3. In view of Division Bench judgment of this Court wherein it has been held that composite orders declining leave to defend and eviction order cannot be passed, and eviction order can only be passed after expiry of 10 days available to tenant to seek review of order declining leave to defend, the impugned orders dated 22.05.2023 and 17.04.2026 are set aside/modified to the extent that eviction order is set aside. Matter is remanded to learned Rent Controller to pass appropriate order in accordance with law after giving 10 days time to petitioner/tenant. Matter is pending since 2022 and respondent/landlord happens to be NRI, therefore, he is entitled to get his case decided within six months. Learned Rent Controller, Amritsar is directed to decide the matter expeditiously within six months from today. Revision petition is accordingly disposed of.

4. Revision petition is accordingly disposed of in above terms.

5. Pending application(s), if any, is/are disposed of accordingly.

27.05.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No