



CR-7933-2019 (O&M)

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

(203)

CR-7933-2019 (O&M)

Date of decision: - 11.05.2026

Darshan Singh

...Petitioner

Versus

Sukhwinder Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunil Chadha, Senior Advocate, with
Ms. Taanvi Dhull, Advocate
for the petitioner.

Mr. A.S. Narang, Advocate,
Mr. Satbir Singh, Advocate, and
Ms. Ishita Kaur, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 30.11.2019 passed by the Appellate Authority, vide which the appeal filed by the petitioner/tenant has been dismissed. Challenge is also made to the order dated 20.08.2019 passed by the Rent Controller, Phagwara, vide which the application filed by the petitioner/tenant seeking permission to obtain leave to appear, contest and defend the rent petition, against the respondent has been dismissed.

2. Learned senior counsel for the petitioner has submitted that a perusal of the impugned order dated 20.08.2019 would show that apart



from the other issues, the Rent Controller has passed a composite order, whereby, while declining the leave to contest, the eviction order has also been passed without giving any opportunity to the petitioner to seek review in accordance with the provisions of Section 38(7)(e) of the Punjab Rent Act, 1995. It is further submitted that even the Appellate Authority has not considered the said aspect in accordance with law.

3. Learned senior counsel for the petitioner has brought to the notice of this Court that the Division Bench of this Court, ***vide judgment dated 26.02.2026 passed in CR-219-2025*** titled as '***Manohar Lal and another Vs. Amrinder Singh Poonia and another***', after taking into consideration the conflicting views of the learned Single Judges, has crystallized the legal point. Para 14 of the said judgment has been highlighted, which is reproduced herein below: -

“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 ejection of the tenants. The Rent Controller to ensure that the parties do not resort to dilatory tactics.”*

4. It is submitted that in view of the said judgment of the Division Bench of this Court, the impugned order of the Appellate Authority deserves to be set aside.

5. Learned counsel appearing for the respondent has very fairly submitted that although the order passed by the Appellate Authority is to be set aside but the order of the Rent Controller is to be set aside to the extent that a composite order of eviction has been passed and the matter is to be remanded back to the Rent Controller so as to enable the petitioner to exercise his right of review against the order dated 20.08.2019.

6. On 20.08.2019, the Rent Controller has passed a composite order which reads as under:-

“8. Therefore, in view of discussion made above this court is of confirmed opinion that the present application filed by applicant/respondent for seeking permission to obtain leave to appear, contest and defend the rent petition deserves to be dismissed. Hence, petition of the petitioner succeeds and is hereby allowed and an order of ejection is hereby passed against the



respondent and he is directed to handover the vacant possession of the shop in dispute within one month from the date of passing of this order failing which petitioner shall be at liberty to get possession of the demised shop through agency of the Court. Parties are left to bear their own costs. Memo of costs be prepared. File be consigned to Record Room after due compliance.

*Pronounced in open Court:
Dated: 20.08.2019*

*(Sukhwinder Singh),
Addl. Civil Judge (Senior Division),
Phagwara/UID No.PB0332”*

7. During the course of arguments, a very fair stand has been taken on behalf of the petitioner as well as on behalf of the respondent in view of the binding judgment of the Division Bench of this Court in ***Manohar Lal (supra)*** and in view of the same, the present revision petition is partly allowed with the following directions/observations: -

- (i) The order dated 30.11.2019 passed by the Appellate Authority is set aside.
- (ii) The order passed by the Rent Controller dated 20.08.2019, to the extent that an eviction order has also been passed along with the dismissal of the leave to contest and a direction has been given to the present petitioner to hand over vacant possession of the shop in dispute within a period of one month from the date of passing of the order without adjourning the case for a period of at least 10 days to afford an opportunity to the petitioner to seek review of the order vide which leave to contest has been rejected, is set aside to the said extent.



- (iii) Parties through their counsel are directed to appear before the Rent Controller on 18.05.2026, who shall afford a period of at least 10 days to the petitioner to move an application seeking review of the order dated 20.08.2019 to the extent that leave to contest, as sought by the petitioner, has been dismissed.
- (iv) In case any such review application is filed by the petitioner, the same would be disposed of as expeditiously as possible. Counsel appearing before the Rent Controller for all the parties concerned are also requested to fully assist the Rent Controller in the expeditious disposal of the review application.

May 11, 2026
naresh.k

(VIKAS BAHL)
JUDGE

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| Whether reasoned/speaking? | Yes/No |
| Whether reportable? | Yes/No |