



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

1. CR-950-2025 (O&M)

Parminder Singh Gill

....Petitioner

Versus

Shri Ragunath Mandir Society (Regd.)

...Respondent

2. CR-951-2025 (O&M)

Amarjit Kaur Gill through her LR and another

....Petitioners

Versus

Shri Ragunath Mandir Society (Regd.) and another

...Respondents

Date of Decision: 14.02.2025

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Divanshu Jain and Mr. Abhinav Goel, Advocates
for the petitioner(s) (in both cases).

Mr. Aayush Gupta, Advocate
for the Caveator-respondent(s) (in both cases).

NIDHI GUPTA, J.

1. By this common order the two aforementioned revision petitions are being disposed as similar/common questions of facts and law are involved between the same parties with regard to eviction of the petitioner(s) from 02 shops i.e. shop No. 6 (in CR-950-2025) and shop No. 5 (in CR-951-2025). The shops in question are in the same vicinity.



However, separate impugned orders of even date i.e. 27.01.2025 have been passed by the Appellate Authority, Ludhiana, in both the cases.

2. Both the aforesaid revision petitions have been filed by the petitioner/tenant under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 (for short-‘the Act’), laying challenge to the orders dated 27.01.2025 (in both cases) passed by the learned Appellate Authority, Ludhiana, whereby the application(s) filed by the petitioner(s) seeking permission for bringing on record the subsequent events that happened during the pendency of appeal by inspecting the premises of Shri Raghunath Mandir Society and to submit a report along with the detailed site plan and photographs regarding the actual and factual position existing at the spot, was dismissed.

3. Brief facts of the case are that the respondent-Society filed two separate petitions dated 06.05.2015 (Annexure P-1 in both petitions) under Section 13 of the Act, for eviction of the petitioner(s) from the demised premises i.e. Shop No. 6 (in CR-950-2025) and Shop No. 5 (in CR-951-2025). The respondent-Society sought eviction of the petitioner(s) on the grounds of non-payment of rent, material alteration, and personal necessity. Vide two separate orders of even date i.e. 12.02.2019 (Annexure P-5, in both cases) passed by the learned Rent Controller, Ludhiana, the petitioner(s) were given 03 months time from the date of receipt of copy of the order(s) to hand over vacant possession of the demised premises i.e. Shop No. 6 (in CR-950-2025) and Shop No. 5 (in CR-951-2025) to the respondent-Society. It is pertinent to mention



here that the date of order has wrongly been mentioned as 12.02.2018 in the index in both the revision petitions.

4. Being aggrieved, the petitioner(s) filed two separate appeals of even date i.e. 25.03.2019 (Annexure P-6, in both cases) before the learned Appellate Authority, Ludhiana. During the pendency of the appeal, the petitioner(s) filed the present application(s) dated 16.11.2024 (Annexure P-7, in both cases) for bringing on record the subsequent events that are stated to be have happened during the pendency of the appeal(s); which applications were dismissed by the learned Appellate Authority, Ludhiana, vide order(s) impugned herein.

5. Learned counsel for the petitioner(s) (in both cases), *inter alia*, submit that during the pendency of the appeal(s), the respondent-Society had carried out extensive renovation, re-construction and additional construction in the Mandir Complex of Shri Raghunath. Accordingly, by filing the application(s) (Annexure P-6), the petitioner(s) have prayed for appointment of a building expert to submit a report along with detailed site plan and photographs regarding the actual and factual position at the spot as on date. It is contended that the said information was necessary for the proper adjudication of the appeal(s) filed by the petitioner(s). As such, dismissal of the petitioners' application(s) vide impugned orders dated 27.01.2025 is unsustainable.

6. Learned counsel for the Caveator-respondent-Society, vehemently opposes the prayer made on behalf of the petitioner(s) and refers to the rent petition (Annexure P-1, in both cases) to submit that it



has been specifically pleaded therein that the respondent-Society urgently requires the shops in question/demised premises for expansion of the Hall. Admittedly, the rent petitions of the respondent-Society stand allowed by the Rent Controller. As such, the present renovations are being undertaken. It is submitted that the renovation is being carried out by the respondent Society in accordance with law. It is contended that nothing illegal is being done by the respondent-Society. It is denied that there are any subsequent events; the respondent-Society requires shops in question for expansion; and it is for this reason that all the shops No. 5 to 11 have been got vacated as the respondent-Society is not in a position to expand the Hall if, the shops are not vacated.

7. It is further submitted that the present application(s) (in both cases) are misuse of the process of law and has been filed by the petitioner(s) only to delay the proceedings in the appeal(s). It is pointed out that the appeal(s) filed by the petitioner(s) (in both cases) are pending since March, 2019. Accordingly, dismissal of the present petition is prayed for.

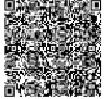
8. No other argument has been raised by learned counsel for either of the parties.

9. I have heard learned counsel for the parties and perused the case file in great detail.

10. The facts in brief have already been noticed here-in-above. I find no merit in the submissions made on behalf of the petitioner(s). As such, nothing illegal is being done by the respondent society. A perusal of



the rent petition (Annexure P-1, in both cases), shows that it is the categorically pleaded case of the respondent-Society in para 11 thereof that: *'for the extension/expansion of the Hall so that more number of people could be accommodated. The Hall at present does not have independent access from the main Ferozpur, G.T. road, Ludhiana. All the persons who have to attend the Kriya and Satsang etc. have to enter the Hall after crossing the Deodi of the Mandir. The space of the shops no. 5 to 11 shall be utilized for the expansion of the Hall and independent access to the Hall from the main Ferozpur Road. The general public in large shall be benefited from this. The shops no. 5 to 11 are adjacent to the hall room and is most suitable space for extension of Hall. All the shops are bona fide required by the petitioner society and separate ejectment petitions have been filed against other tenants also on this ground'*. Thus, the clear purpose of the respondent-Society for seeking ejectment of the petitioner(s) from the demised shops is for extension of Hall. Admittedly, vide order dated 12.02.2019 (Annexure P-5, in both cases) passed by the learned Rent Controller, Ludhiana, the petitioner(s) had been directed to be ejected from the demised premises/shops in question i.e. Shop No. 6 (in CR-950-2025) and Shop No. 5 (in CR-951-2025), on the ground that the demised premises/shops along with other shops No. 7 to 11 were required by the respondent-Society for extension and expansion of the Hall. Pursuant thereto, the present renovation/expansion/extensions being carried out by the respondent-Society. The same cannot be termed to be a subsequent event. Even the petitioner(s)



can have no grievance to the same. As such, no report regarding the construction is required. The report procured by the petitioner(s) to the effect that the construction is not as per plan has no bearing on the merits of the case. It is not for the petitioner(s) to direct the respondent-Society in what manner to carry out the said extension. Therefore, it is clear that the present application(s) (Annexure P-7, in both cases) have been filed by the petitioner(s) just to delay the proceedings in the appeal(s).

11. In view of the above, both the revision petitions bearing CR Nos. 950 and 951-2025 are **dismissed**.

12. Pending application(s) if any also stand(s) disposed of (in both cases).

13. A photocopy of this order be placed on the file of other connected case.

14.02.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**