



CR-2143-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CR-2143-2025 (O & M)

Date of decision:05.04.2025

RAJNISH GUPTA & ANR.

...PETITIONERS

VS.

NITIN SINGLA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Divanshu Jain, Advocate,  
Mr. Abhinav Goel, Advocate,  
Mr. Minkal Rawal, Advocate &  
Mr. Arjun Sangwan, Advocate for the petitioners.

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**SUVIR SEHGAL, J.**

1. At the outset, counsel for the petitioners states that although by virtue of the instant revision petition, four different orders have been impugned, he requests for and is granted permission to withdraw the revision petition insofar as challenge to orders dated 19.09.2023 (at page 32 of the paper-book) and order dated 18.03.2025 (at pages 39-48) is concerned, with liberty to pursue his remedy separately in accordance with law. He has confined the challenge in the instant revision petition to order dated 19.10.2023 (at page 38 of the paper-book) as well as order dated 18.03.2025 (at page 49-53 of the paper-book).



2. Counsel for the petitioner has argued that the first appeal filed by the petitioner under Section 15 of the East Punjab Urban Rent Restriction Act, 1949, (for short “the Act”) has been dismissed by the appellate authority as being barred by 17 days. By making a reference to the application for condonation of delay (at page 136-137 of the paper-book) as also to medical record dated 28.09.2023 (at page 121 of the paper-book), he submits that petitioner suffered a paralytic attack and was advised bed rest. He asserts that as petitioner was medically unfit, he could not institute the appeal within the prescribed period and delay should have been condoned by the appellate authority. Placing reliance upon judgments in *Pawan Kumar and another Vs. Raj Pal Sharma* (CR-5458 of 2014 decided on 11.10.2018); *Vedabai @ Vaijyanatabai Baburao Patil Vs. Shantaram Baburao Patil and others* 2001 (9) SCC 106; *Malkiat Singh Vs. Tara Singh* 2003 (1) RCR (Rent) 201; *Sham Lal Vs. Satish Kumar* 2014 (1) RCR (Rent) 446 and *Inder Singh Vs. The State of Madhya Pradesh* Law Finder Doc ID#2708609, he asserts that first appeal deserves to be heard on merits.

3. Issue notice of motion to the respondent.

4. Mr. Santosh Sharma, Advocate & Mr. Rajat Dogra, Advocate accept notice on behalf of the caveator/respondent. He has opposed the prayer made in the petition and has submitted that the delay caused by the petitioner is intentional. It is also his case that the petitioner was ordered to be evicted from the premises as he was in arrears of rent and he has failed to deposit the provisional rent as assessed by the Rent Controller.



5. To controvert him, counsel for the petitioner has made a reference to the interim orders passed by the appellate authority and has submitted that the entire arrears as well as some future rent has been deposited.

6. I have heard counsel for the parties and considered their submissions.

7. Perusal of Section 15 of the Act shows that it provides for a period of 15 days for the filing of an appeal. Concededly, there has been a delay of 17 days in filing of the appeal. Petitioner has averred that he was medically unfit and had suffered a paralytic stroke. His submission is fortified with a medical certificate. Respondent cannot possibly dispute the certificate in the absence of any reply to the application. This Court is, therefore, of the view that the delay in the filing of the appeal, which has been satisfactorily explained, deserves to be condoned.

8. Accordingly, prayer made in the petition is accepted. Delay of 17 days in filing of the first appeal is condoned. Impugned order dated 18.03.2025 is set aside. As first appeal has not been decided on merits, matter is remanded to the appellate authority to adjudicate it on merits, after hearing counsel for the parties, preferably within a period of 04 months from the date of communication of a copy of this order.

9. Petition is disposed off.

10. Parties are directed to appear before the appellate authority on 12.05.2025.



11. Counsel for the petitioner disputes that the payment of entire arrears of rent. Upon instructions, counsel for the petitioner has made a statement that in case any arrears are found due, the same shall be deposited within a period of two weeks of appearance before the appellate authority.

12. It is clarified that as dispossession of the petitioner from the premises was stayed by the appellate authority vide order dated 07.12.2023, interim order shall remain in operation till the decision of the appeal, subject to the deposit of arrears of rent, if any, within two weeks of appearing before the appellate authority.

13. Pending application(s), if any, are disposed off.

05.04.2025

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**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No