

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

120

CR-5484-2025 (O&M)
Reserved on:25.08.2025
Pronounced on:27.08.2025

Rajnish Gupta and another

... Petitioners

Versus

Nitin Singla

... Respondent

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Divanshu Jain, Advocate
for petitioners.

Mr. Udayveer Singh, Advocate
for the respondent-caveator.

AMARINDER SINGH GREWAL, J.

C.M No.16182-CII of 2025

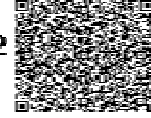
Application is allowed as prayed for.

Exemption from filing certified/typed copies of the impugned order and Annexures P-1 to P-20 is granted and the same are taken on record.

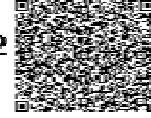
C.R. No.5484 of 2025 (O&M)

1. The present revision petition has been filed by the petitioners challenging the impugned order dated 29.07.2025 passed by the learned Appellate Authority, Chandigarh whereby the application filed by the petitioners for amendment of grounds of appeal has been dismissed.

2. In brief, the facts are that a rent petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the Rent Act, 1949) as extended to Chandigarh was filed by the respondent-landlord

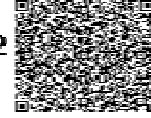


for eviction of the petitioners-tenants from the demised premises i.e. complete ground floor of SCO No.11, Sector 23D, Chandigarh. In the said rent petition, vide order dated 19.09.2023 passed by the learned Rent Controller, Chandigarh, provisional rent of the tenanted premises was assessed. Against the said order dated 19.09.2023, Rent Appeal No.25 of 2024 was filed by the petitioners, which was dismissed by the learned Appellate Court vide order dated 18.03.2025. Since the rent so provisionally assessed by the learned Rent Controller was not paid by the petitioners-tenants within the time stipulated, eviction order dated 19.10.2023 was passed by the learned Rent Controller against which Rent Appeal No.26 of 2024 was filed. Both the aforesaid appeals were dismissed by the learned Appellate Authority i.e. Rent Appeal No.25 of 2024 was dismissed on merits and Rent Appeal No.26 of 2024 was dismissed on the ground of delay. Against the aforesaid order dated 18.03.2025 passed by the learned Appellate Authority, a Civil Revision bearing No.2145 of 2025 was filed whereby orders dated 19.09.2023 passed by the learned Rent Controller regarding provisional assessment of rent; order dated 18.03.2025 passed by the learned Appellate Authority whereby Rent Appeal No.25 of 2024 was dismissed; eviction order dated 19.10.2023 passed by the learned Rent Controller and order dated 18.03.2025 passed by the learned Appellate Authority in Rent Appeal No.26 of 2024, were challenged. The aforesaid revision petition was decided by this Court vide order dated 05.04.2025 whereby on the request of petitioners, the revision petition qua orders dated 19.09.2023 passed by the learned Rent Controller and order dated 18.03.2025 passed by the learned Appellate Authority in Rent Appeal No.25 of 2024 was dismissed as withdrawn with liberty to pursue their remedy separately in accordance with law; whereas



order dated 18.03.2025 passed by the learned Appellate Authority in Rent Appeal No.26 of 2024 was set aside while condoning the delay of 17 days in filing the said appeal and matter was remanded back to the learned Appellate Authority to adjudicate it on merits, after hearing learned counsel for the parties, preferably within a period of four months from the date of communication of a copy of the order. Thereafter, the petitioners filed an application for amendment in grounds of appeal in Rent Appeal No.26 of 2024 whereby they sought challenge to order dated 19.09.2023 whereby the learned Rent Controller had assessed the provisional rent and order dated 18.03.2025 passed by the learned Appellate Authority vide which appeal filed against order dated 19.09.2023 was dismissed. The aforesaid application for amendment has been dismissed by the learned Appellate Authority and hence, the revision petition.

3. Learned counsel for petitioners submitted that while passing the impugned order, the learned Appellate Authority has completely ignored the fact that failure to take any objection in the grounds/memorandum of appeal can be rectified at any stage by way of an amendment, in view of provisions of Order 41 Rule 3 CPC, as it is settled proposition of law that general principles of Code of Civil Procedure, 1908 apply in regulation and determination of procedure to be followed by authorities while adjudicating under the provision of the Rent Act, 1949. It was further submitted that at the time of considering the application, merits of the amendment cannot be considered and it is mandatory on courts to allow all amendments which are necessary for the purpose of determining real questions in controversy between parties. Further, the learned Appellate Authority has misread and wrongly interpreted the judgment passed by the Hon'ble Supreme Court in *Harjit Singh Uppal Vs. Anup Bansal 2011 (3)*

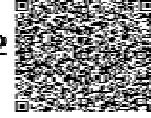


RCR (Civil) 247. In the said judgment, the Hon'ble Supreme Court has categorically held that tenant can challenge the correctness of provisional rent in appeal arising from the final order. It is also argued that the order dated 19.09.2023 whereby the provisional rent is assessed by the learned Rent Controller is an interlocutory order, which has been merged into final order of eviction and therefore, cease to exist, thus, there is no bar in challenging the same in the appeal filed against the final order of eviction. In this regard, reliance is placed upon the judgments passed by the Hon'ble Supreme Court in *Prem Chandra Agrawal Vs. Financial Crop. (2009) 11 SCC 479* and *National BalBhawan and another Vs. Union of India (2003) 9 SCC 671* as well as by a Coordinate Bench of this Court in *Gopi Krishan Khanna Vs. M/s Khadi Ashram and another 2014 (4) PLR 834*. Further reliance is placed upon the judgment passed by the Hon'ble Supreme Court in *Prithi Pal Singh and another Vs. Amrik Singh and others 2014 (1) RCR (Civil) 327* to contend that merits of the averments sought to be incorporated by way of amendment are not to be judged at the stage of allowing prayer for amendment, as the dominant purpose of the amendment is to minimize the litigation.

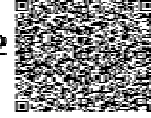
4. Notice of motion.

5. Mr. Rajat Dogra, Advocate, who has filed the caveat on behalf of the respondent, accepts notice for the respondent and submits that the impugned order dated 29.07.2025 is a well-reasoned order passed by the learned Appellate Authority and is based on the correct appreciation of facts and law, thus, the same does not require any interference by way of instant revision petition.

6. Having heard learned counsel for the parties and perusing the paper book with their able assistance as well as case laws cited, this Court finds no

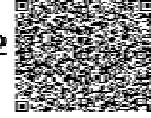


merit in the arguments raised by learned counsel for the petitioners. Admittedly, two separate appeals were filed by the petitioners against the order dated 19.09.2023 whereby the provisional rent was assessed by the learned Rent Controller and the final order of eviction dated 19.10.2023 was passed on non-payment of rent so assessed provisionally. The order dated 19.09.2023 was challenged in Rent Appeal No.25 of 2024 and the order dated 19.10.2023 was challenged in Rent Appeal No.26 of 2024. Both these appeals were dismissed by the learned Appellate Authority vide order dated 18.03.2025. All these orders were challenged by petitioners before this Court in C.R. No.2143 of 2025 wherein vide order dated 05.04.2025 passed by this Court, revision petition qua orders dated 19.09.2023 passed by the learned Rent Controller and dated 18.03.2025 passed by the learned Appellate Authority, on request of learned counsel for petitioners, was dismissed as withdrawn with liberty to pursue remedy in accordance with law and the order dated 18.03.2025 passed by the learned Appellate Authority dismissing the appeal against the eviction order dated 19.10.2023 on the ground of delay was set aside, allowing condonation of delay of 17 days in filing the appeal and the appeal was remanded back to the learned Appellate Authority to decide the same on merit. It is in this eventuality, an application for amendment was moved by the petitioners herein seeking amendment in the grounds of appeal bearing Rent Appeal No.26 of 2024 to the effect of challenging the order dated 19.09.2023 whereby provisional rent was assessed by the learned Rent Controller, which has been dismissed by the learned Appellate Authority and rightly so. Admittedly, Rent Appeal No.25 of 2024 was filed by the petitioners against order dated 19.09.2023 assessing the provisional rent by the learned Rent Controller, which stood dismissed by the



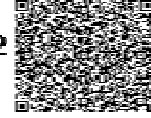
learned Appellate Authority vide order dated 18.03.2025. These orders were further challenged in the revision petition before this Court along with order dated 18.03.2025 passed in appeal preferred against final order of eviction dated 19.10.2023, however, the petitioners for the reasons best known to them sought to withdraw the revision petition qua orders dated 19.09.2023 and 18.03.2025 whereby provisional rent was assessed and appeal against the said assessment was dismissed, with liberty to pursue their remedy separately in accordance with law. Once an order has been challenged in appeal and the appellate authority has decided the appeal as well, the same order cannot again be challenged before the same authority. If the argument of learned counsel for the petitioners is accepted, then they are seeking to challenge the order dated 18.03.2025 passed by the learned Appellate Authority, Chandigarh before the very same authority in another appeal filed against the final order of eviction dated 19.10.2023 by way of seeking amendment in the grounds of appeal. Once final order dated 18.03.2025 has been passed by the learned Appellate Authority in appeal preferred by petitioners against order dated 19.09.2023, it has become *functus officio* and its very own order cannot be sought to be set aside in another appeal pending consideration, which arose from the same rent proceedings. What petitioners cannot do directly, they are trying to do the same indirectly, which cannot be permitted.

7. The settled proposition of law that once a final order is passed, all earlier interim orders merge into the final orders and interim orders cease to exist, is not disputed. In fact, if the same analogy is applied in the present case then the order dated 19.09.2023 whereby the provisional rent was assessed by the learned Rent Controller has merged into the final order of eviction dated



19.10.2023, which order has already been challenged in Rent Appeal No.26 of 2024 and thus, is not required to be challenged by way of application seeking amendment in the grounds of appeal. Rather, the actual position is that in the absence of any stay by a higher forum or being set aside as such in appeal, operation of order dated 19.09.2023 does not cease to exist and it is still in operation and the petitioners are bound to pay the rent as assessed vide order dated 19.09.2023 even during the pendency of appeal before the learned Appellate Authority. Therefore, the contention of learned counsel for petitioners that interim order dated 19.09.2023 cease to exist upon passing of final order of eviction dated 19.10.2023 falls flat on the ground.

8. Furthermore, the judgment relied upon by learned counsel for the petitioners in *Harjit Singh Uppal's case (supra)* has rightly been distinguished by the learned Appellate Authority as not applicable to facts of present case. In the said case, the tenant did not challenge the order of fixing provisional rent in appeal whereas in the present case, the order was challenged in appeal, which was dismissed and the revision petition filed against the same was also dismissed as withdrawn with liberty to avail separate remedy in accordance with law, meaning thereby, order dated 18.03.2025 passed by the learned Appellate Authority in appeal against the order dated 19.09.2023, still holds field till today. Further reliance upon the judgment passed by the Hon'ble Supreme Court in *Prithi Pal Singh* (supra) also does not save the cause of petitioners, as in this case amendment was allowed as new ground was sought to be added and not the new relief, however, in the present case new relief i.e. challenge to order dated 19.09.2023 has been sought, which was not there earlier.



9. In view of the aforesaid facts and circumstances, this Court finds no ground to interfere with order dated 29.07.2025 passed by the learned Appellate Authority and the same is affirmed. The instant revision petition is dismissed.
10. Pending misc. application(s), if any, also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

August 27, 2025

Pankaj*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No