

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 36228/2025

[Arising out of impugned final judgment and order dated 08-12-2025 in CR No. 8560/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

ANJALI FOUNDATION

Petitioner(s)

VERSUS

ANIL MEHRA

Respondent(s)

(FOR ADMISSION and I.R.)

(IA No. 325722/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 17-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawala, Adv.  
Mr. Anshuman Srivastva, Adv.  
Mrs. Ayushi Gaur, Adv.  
Ms. Ameesha Malhotra, Adv.  
Mr. Pranay Chitale, Adv.  
Mr. Aditya Dutta, Adv.  
Ms. Smiti Verma, Adv.  
Mr. E. C. Agrawala, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Application seeking exemption from filing Certified Copy of the impugned judgment is allowed. Application seeking permission to file additional documents is also allowed.

2. This special leave petition assails the order of the High Court dated 08.12.2025 dismissing the Civil Revision No. 8560 of 2025 as infructuous. The High court observed that though this petition is against an order dated 6.11.2025 fixing the provisional rent but since the order of ejectment has been passed on 24.11.2025. Therefore, the pending revision has now rendered infructuous.

3. Learned senior counsel Mr. Mukul Rohatgi, referring the additional documents filed by them, submits that the eviction case was pending before the civil Judge, Junior Division, Gurugram, viz., Ms. Santosh (UID 0672) who was on leave on 24.11.2025. However, as per the list of the Court filed along with the documents, the next date was 17.01.2026. He submits that behind the back of the petitioner, the rent matter was placed before the In-charge Judge, Hari Kishan (UID No.0607), Rent Controller, Gurugram who passed an order *ex parte* directing eviction without notice and affording an opportunity. It is fairly submitted by him that the said order is not under challenge and his client would comply the order of eviction on or before 28.02.2026. It is submitted by him that it is a matter of serious concern that one Judge dealing with civil cases is on leave, only in urgent cases, the In-charge Judge may pass an order granting interim protection. The In-charge Judge

does not assume jurisdiction to pass final order in the matter that too without notice and affording an opportunity to the other side.

4. Learned senior counsel referring to a chart indicating the rent paid and the amount due urged that fixation of provisional rent which is modified by the appellate court makes all the provisional rent fixed has been paid. However, his client shall comply the remaining part of the order. It is vociferously urged by him that the manner in which the order of eviction has been passed and relying thereto, the revision was dismissed as infructuous is not justifiable and raises a serious concern of jurisdiction and procedure to be followed by the courts in the State of Punjab and Haryana.

5. Considering the aforesaid, issue notice returnable on 02.02.2026. Petitioner is directed to file an undertaking before the Registrar (Judicial), High Court of Punjab & Haryana within two weeks indicating that the premises be vacated on or before 28.02.2026 by him.

6. In our view, in a rent matter when the Judge is on leave, passing an order by the In-charge Judge on merits without notice *prima facie* is not tenable. Although the petitioner agreed to vacate the premises but the fact/issue remains regarding propriety of functioning of the Courts and

of following the procedure. Therefore, we direct that the Registrar General of the High Court of Punjab and Haryana shall submit his report as to how and in what manner the recourse as followed is justified. The report would indicate the procedure required to be followed in case Judges are on leave and to what extent, the orders can be passed by the In-charge Judge. Rules, regulations and instructions connected to the said procedure be placed for consideration before us in the report.

7. Registrar General is at liberty to ask for explanations from the Judges concerned or from the Principal District Judge/District and Sessions Judge, Gurugram.

8. Report be made available on or before the next date.

9. List on 02<sup>nd</sup> February, 2026.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**