

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CR No.7070-2008

Shamsher SinghPetitioner
vs.
Sadhu Singh and othersRespondents

AND
CR No. 833-2008

Krishan LalPetitioner
vs.
Sadhu SinghRespondent

AND
CR No.834-2008
Decided on: 06.05.2015.

Sanesh Lata and anotherPetitioners
vs.
Sadhu Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgement should be reported in the Digest?*

Present: Mr.Hitesh Kaplish, Advocate for the petitioner(s).
Mr.Vikas Singh, Advocate for respondent(s).

K. KANNAN J.(Oral)

All the three revision petitions are at the instance of the tenants who were sought to be ejected simultaneously by the landlord resorting to Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for short 'the Rent Act'). It would seem from the contentions raised by the parties in the pleadings and from evidence that the eviction was being sought in respect of shops and a school which was being run in a building complex. The requirement pleaded was that he wanted to eject all the tenants and construct a big hospital and establish it in the name of his wife. He claims that he is a NRI as a person of Indian origin and a citizen of United Kingdom. The plaintiff would claim ownership over property by virtue of purchase along with the other documents dated 10.01.2003.

The respondents contended that the petition did not spell out correctly as to how the property was going to be used. It was further contended that the property belongs to the Government as per the revenue entries and the petitioner cannot be said to be a owner to claim the right of ejectment.

The Rent Controller examined the plea of tenants that they had admitted themselves to be the tenants under one Booth Singh Atwal and that it was seen from the record filed in Court that Booth Singh Atwal's wife had after the death of her husband sold the property and the successors in turn sold the property in the year 2003. Transactions of successors' sales linking first transaction in the year 1971 to the transaction on 10.01.2003 were cogent and the court below found that the plea denying the petitioner's ownership in common with fathers cannot be countenanced. Making reference to the revenue entries, the Rent Controller had found that there cannot be issue of title against the tenure of registered documents and rejected the plea that the property belonged to the government. I find no reason to dislodge the findings entered by the Rent Controller of an appropriate legal reason.

The learned counsel would refer to the fact that ejectment is an one time event, for a landlord who is NRI, under special provisions and it would not be used for eviction of several properties. The tenants would contend that the landlord has already obtained eviction of another tenant who was running the school and according to him there is no justification for securing ejectment of this property as well. He would urge that there was nothing in evidence to indicate that the properties in the respective possession of the tenants was in any way connected with the building where the school was being run.

I reject this argument as not tenable because the disputed property given for each one of the tenants would reveal one or the other tenant as occupant in the immediate boundary and there is even a reference in the petition against the tenant Krishan Lal that all the shops and the school form part of a single building complex and that the landlord wanted the eviction for establishing hospital. There was no plea in defence before the Rent Controller that they were dis connected and possession of any one building would have been

Sufficient for satisfying to the requirement of the landlord.

The plea now taken is without any basis that the various tenements are not connected. I, therefore, do not find that objection also to be of any value for upsetting the finding regarding the landlord's bonafide requirement.

The counsel states that the issue of whether a person who is not a citizen of India could claim ejectment by invoking the status as NRI is pending before the Supreme Court. I do not think pendency of a case before Supreme Court would fetter the duty to adjudicate of this case to consider what is brought before it. The definition of NRI makes no reference to the citizenship. All that is necessary is that the person must be of indian origin. The origin of the petitioner to India is not in dispute. This Court had an occasion to consider this issue at length in the judgment in **M/s Blue Sky Worldwide Travels and another v. Harvinder Singh** vide **CR No. 2217 of 2015** decided on **01.04.2015** and I find no particular fetter for a person of indian origin but who obtains citizenship of a foreign country to stake his claim for the property in the hands of the tenant by resort to Section 13-B of the Act.

I find no scope for interference with the orders passed by the Courts below and the orders are confirmed requiring no intervention and the revisions petitions are dismissed.

(K.KANNAN)
JUDGE

06.05.2015
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