

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6144 of 2014 (O&M)

Date of decision: 25.05.2015

Hakam Singh through Attorney Baljinder Singh Dhaliwal

... Petitioner

versus

Mangat Rai

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. K.B. Raheja, Advocate for the respondent.

K.Kannan, J.

The leave to defend that was granted arises in a situation where the landlord suing under Section 13B wanted the premises in order to demolish it and extend it along with the other portions of the property which the landlord already owns. The Supreme Court held in Santosh Devi Soni Vs. Chand Kiran 2001 (1) SCC 255 a case under the Delhi Rent Control Act that landlord resorting to the special provisions seeks for property as additional accommodation and a tenant seeks for leave to defend, the Court shall grant it and it should not be refused. The Supreme Court has made reference to its own earlier judgment in Dr. S.M. Mishra Vs. D.D. Malik in a decision dated 11.01.1990 in Civil Appeal No. 120 of 1990 to hold such a view. I do not think there is any error in the decision exercised by the Rent Controller in allowing for a leave to defend. The intervention sought through revision is not justified.

The civil revision petition is dismissed with above observations.

(K.KANNAN)
JUDGE

25.05.2015

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