

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 6547 of 2013 (O&M)
Date of Decision: 19.05.2015

Gurminder Singh Kahlon

.....Petitioner

Vs.

Rakesh Soni

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajiv Joshi, Advocate,
for the petitioner.

Mr. Harminder Singh, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 27.05.2013.

Learned counsel for the petitioner has submitted that the respondent has placed reliance on agreement to sell dated 29.03.2003 alleged to have been executed by the petitioner, in favour of the respondent, although, no such agreement to sell was executed by the petitioner in favour of the respondent. Learned counsel for the petitioner has further submitted that the petitioner was aggrieved by the observations made by the learned Rent Controller in Para 20 of the impugned order.

Learned counsel for the respondent, on the other hand, has, *inter alia*, submitted that the respondent has filed civil suit for

specific performance of agreement to sell in question dated 29.03.2003 but the petitioner was delaying the decision of the said suit.

Petitioner has sought ejectment of the respondent from the premises in question by moving a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949. Respondent moved an application for leave to contest the petition. The said application was allowed by the learned Rent Controller vide the impugned order. The respondent had taken up the plea that the petitioner had executed agreement to sell in his favour on 29.03.2003 of the premises in question. The case of the petitioner is that no such agreement to sell had been executed by him in favour of the respondent. Thus, it would be a disputed question of fact as to whether agreement to sell dated 29.03.2003 has been executed between the parties or not. In these circumstances, the learned Rent Controller rightly granted the permission for leave to contest the petition to the respondent.

Hence, the impugned order calls for no interference.

Petition stands disposed of, accordingly.

However, it is made clear that the observations made by learned Rent Controller in Para No. 20 of the impugned order shall have no bearing on the merits of the case.

**(SABINA)
JUDGE**

May 19, 2015
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