

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT  
CHANDIGARH

CR No. 6835 of 2013

Date of Decision: 04.08.2015

**Rajinder Parshad**

.....Petitioner

**Vs.**

**Zora Singh**

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Malkeet Singh, Advocate,  
for the petitioner.

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**SABINA, J.**

Respondent has sought ejectment of the petitioner by moving a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act') from the premises in question. The case of the respondent was that he was owner/landlord of the booth/shop in question as he had purchased the same, vide sale deed dated 26.11.1970. Petitioner had been inducted as a tenant in the year 1980. Respondent was a Non-Resident Indian and required the premises in question for his own use and occupation. Petitioner moved an application for leave to contest the ejectment petition. Vide order dated 13.08.2013, the application moved by the petitioner for leave to contest/defend was rejected and the ejectment petition filed by the respondent was allowed. Hence, the present petition by the tenant.

Learned counsel for the petitioner has submitted that the

respondent had filed the petition merely with an intention to get the same vacated.

In the present case, respondent is the owner of the premises in question and is presently residing in Canada. The case of the respondent is that he wants to return to India and wants to run his own business in the shop in question.

Although, the other shops owned by the petitioner had been vacated by the tenants but it was the will of the landlord as to in which shop he wanted to run his business. There is nothing on record to suggest that need put forth by the landlord was not genuine.

Moreover, as per Section 13 of the Act, protection has been given to the tenant that in case the landlord fails to occupy the premises in question within the stipulated period or rents out the same to another tenant, then evicted tenant can apply for restoration of possession to the Rent Controller.

In the facts and circumstances of the present case, the learned Rent Controller had rightly dismissed the application moved by the petitioner seeking leave to contest/defend the ejectment petition and had rightly allowed the ejectment petition filed by the respondent.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)  
JUDGE**

August 04, 2015  
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