

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8226 of 2014(O&M)
Date of decision: 10.08.2015

Manjit Kaur and others

... Petitioners

Versus

Simrat Mohan Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vishal Aggarwal, Advocate for the petitioners.
Mr. GS Punia, Senior Advocate with
Mr. PS Punia, Advocate for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 20.10.2014, passed by Rent Controller, Ludhiana, prayer of the petitioner (tenant) seeking amendment in his application for leave to contest under Section 18A of the East Punjab Urban Rent Restriction Act, 1949 (for short, 'the Act'), has since been declined.

Vide a proposed amendment, it was sought to be pleaded that the respondent-landlord also owned and possessed one complex bearing No.2423, Ferozepur Road, Near Kaka Palace, Ludhiana, as also building No.489, Model Town, Ludhiana, something, that was never discussed in the eviction petition. And, thus, the alleged need to occupy the demised premises lacked bonafides. In response, this position

was not specifically controverted or denied by the respondent-landlord.

During the course of hearing before this court, a consensus emerged between the counsel for the parties:

(i) That the impugned order be set aside with a liberty to the petitioners (tenants) to produce the necessary documents showing that the respondent (landlord) indeed owned and possessed the aforesaid properties;

(ii) And likewise, respondent (landlord) shall also be at liberty to furnish the requisite documents or an affidavit, as the case may be, in support of his claim;

(iii) Rent Controller, while deciding the application for leave to contest, shall consider the said documents; and

(iv) As the eviction petition was filed on 15.01.2009 and the application moved by the petitioners for leave to contest is pending since 19.03.2009, Rent Controller be directed to decide the said application within a period of one month from the receipt of certified copy of this order.

That being so, the order dated 20.10.2014 is set aside and the revision petition is disposed of in the above terms. However, it is made clear that this order shall not

constitute any expression of opinion on merits of the case of either party.

August 12, 2015
Rajan

(Arun Palli)
Judge