

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM No.4861-CII of 2015 in
RA No.CR-42-CII of 2015 in
CR No.777 of 2014
Date of decision:13.03.2015

Kundan Singh

....Petitioner

Versus

Kulbir Singh & another

.....Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Anil Bansal, Advocate, for
Mr.Karanjit Singh, Advocate, for the applicant/petitioner.

G.S.Sandhawalia J.(Oral)

CM No.4861-CII of 2015

Application for condonation of delay of 12 days in filing the review application is allowed, in view of the averments made in the application, which are duly supported by an affidavit.

RA No.42-CII of 2015

Review application has been filed against the order dated 22.01.2015.

Counsel for the applicant has vehemently submitted that as per the case of the respondent-landlord himself, they were US Passport holders and therefore, since the matter was pending before the Apex Court, leave to contest should have been granted.

Admittedly, vide order dated 22.01.2015, which is subject matter of review, this Court had observed that the application for leave to defend had been filed beyond the period of limitation prescribed and in such circumstances, once the application, duly supported by affidavit has not been filed, the same is not maintainable. Even the Rent Controller examined the issue as to whether the

petitioner-tenants were entitled to raise the defence whether the landlords were NRI, as defined under Section 2(dd) of the East Punjab Urban Rent Restriction Act, 1949 and accordingly, rejected the application. Counsel for the petitioner could not point out any error which is apparent on the face of the record which would warrant review, in view of the reasons noticed therein.

Even otherwise, the present review application is not maintainable at the instance of the present counsel, who did not appear when the case was decided, in view of the judgment of the Apex Court in **Tamil Nadu Electricity Board Vs. N.Raju Reddiar & another AIR 1997 SC 1805.**

Accordingly, the present review application is dismissed.

13.03.2015
sailesh

(G.S.SANDHAWALIA)
JUDGE