

CR-1224-2016 (O&M)
Date of decision : 18.05.2016

Paramjit Singh Respondent

- AJAY TEWARI, J. (ORAL)**

The first contention raised by learned counsel for the petitioners is that the respondent-landlord being a foreign citizen is not an NRI this has been rejected. The second contention raised by learned counsel for the petitioners is that two or three contentions were raised by the petitioners-tenant which raise triable issues. As per him the case of the petitioners was that the parties were in close relations (being children of sibling) and actually the mother of the respondent had given the house to the petitioners on irrevocable licence. In any case there was no prima-facie evidence of tenancy as there was neither any rent note nor any receipt nor

any other objective evidence of any rent having been paid apart from the bald assertion by the respondent. Learned counsel for the respondent has however, argued that once the petitioners admitted that the property belonged to his mother and that she had given to them in the year 1974 it was a foregone conclusion that the same was on rent. In my opinion, it can not be so held. No doubt it may be that what the petitioners are saying is correct but that can not be said to be proved unless evidence is led.

In the circumstances, I find that even though the rent petition was maintainable yet the petitioners have raised triable issues.

Consequently, the petition is allowed. The impugned order is set aside and leave to defend is granted to the petitioners. Matter is remanded back to the Rent Controller. Parties through their counsel are directed to appear before the Rent Controller on 04.07.2016.

Learned counsel for the respondent has very fairly stated that since the leave to defend has been granted he would file his written statement on the said date. The Rent Controller is directed to proceed further in the matter in accordance with law.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

18.05.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE