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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.203 of 2016 (O&M)
Date of Decision : 17.03.2016

M/s J.S. International

..... Petitioner

Versus

Jaswinder Kaur Sidhu

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.B.S. Bedi, Advocate for the petitioner.

Mr. R.S. Pandher, 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?

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dated 21.11.2015 passed by the Rent Controller, Chandigarh declining leave to defend.

Learned counsel has argued that before filing the present petition, the respondent along with her co-owners had filed a petition for eviction on the ground of personal necessity and that was dismissed after the application under Section 18-A of East Punjab Urban Rent Restriction Act, 1949 was filed. The petitioner moved an application to place on record that subsequent event i.e. the judgment of dismissal but the Rent Controller has not even adverted thereto. As per him, while filing the present petition it was pleaded that during this interregnum, two co-owners had transferred their interest to the present respondent yet the present respondent did not take any step to withdraw the previous pending petition. This clearly shows her dishonest conduct.

Learned counsel for the respondent has argued that both these facts can be explained. Be that as it may, on these grounds a triable issue has definitely arisen and consequently order of the Rent Controller rejecting application for leave to defend cannot be sustained.

Petition is allowed and the petitioner is granted leave to defend. The impugned order is set aside. The parties through their counsel are directed to appear before the Rent Controller on 02.05.2016. Let the record be sent back.

March 17, 2016

jt

**(AJAY TEWARI)
JUDGE**