

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

**C.R NO.2635 of 2016 (O&M)
DECIDED ON : 10.05.2016**

Sukhwinder Singh

...Petitioner

versus

Avtar Singh Bhatos and another

...Respondents

and

C.R NO. 2636 of 2016(O&M)

Jaswant Singh

...Petitioner

versus

Avtar Singh Bhatos and another

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Roopam Jain, Advocate,
for the petitioner.

Mr. R. K. Gupta, Advocate,
for the respondents.

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)

Vide this common order, I intend to dispose of above
said two revision petitions. However, for reference, the facts are
being taken from CR No. 2635 of 2016.

This petition has been filed by the tenant against the order declining his request to grant leave to defend and allowing eviction vide order dated 04.02.2016.

Learned counsel for the petitioner has contested the petition mainly on three grounds. Firstly, that the respondent/landlord is a British born citizen; secondly he is hardly likely to open a law office in a village rather than in the city and thirdly, that the petition and the reply to the application under Section 18 of the East Punjab Urban Rent Restriction Act, 1949 (for short "the Act") were filed by the attorney of the landlord/respondent. To support this contention, he has relied upon authority "***Basant Kumar vs Romesh Kumar Deora***" **2008 (2) RCR (Civil) 176**.

As regards the first argument, this Court in ***CR No. 3509 of 2014 titled as "Krishan Kumar vs. Kamla Devi"*** **decided on 09.05.2016** has held that merely because a person is a foreign citizen, would not debar him from the status of NRI.

As regards the second argument that the respondent is a foreign citizen and is not likely to set up an office in a village is of no consequence as it has been repeatedly held by the Courts that it is for the landlord to decide how he wants to use the demised premises and the tenant cannot claim that a particular premises is not suitable for the landlord.

As regards the third argument also, this Court in ***Krishan Kumar's case (supra)***, after going through the entire

law, has come to the conclusion that when the attorney is a close family member (in this case brother-in-law i.e sister's husband), it cannot be said that he cannot prosecute the case on behalf of the landlord or cannot depose about his personal requirement.

In view of the above, both the above said petitions are without any merit and the same stand dismissed accordingly.

(AJAY TEWARI)
JUDGE

MAY 10, 2016
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