

112

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

**C.R. No. 3733 of 2016 (O&M)
Date of Decision : 31.05.2016**

Tarsem Singh

..... Petitioner

Versus

Jatinder Bedi and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. S.K.S.Bedi, Advocate
for the caveator-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)

This petition has been filed against the order declining leave to defend and ordering eviction.

Admittedly the respondent No.1 is a non-resident Indian (NRI) and has sought the eviction from property in dispute. Learned counsel has argued that the petitioner had taken the plea that there was another house bearing No.845, Sector 38-A, Chandigarh in which also the respondent No.1 was a share holder and consequently leave to defend should have been granted on this ground.

Learned counsel for the respondents has, however, pointed out that it was explained in the first place in the reply to the application for leave to defend that originally H.No.845, Sector 38-A, Chandigarh was owned by the mother of the respondents but after her death the same came into the ownership of his brother by way of testamentary disposition. Moreover even if the respondent No.1 was a co-owner of the house, the same is not a bar for him to seek eviction of the property exclusively owned by him. I find myself in agreement with the arguments of learned counsel for the respondents.

In the circumstances, the petition is dismissed.

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

(AJAY TEWARI)
JUDGE

May 31, 2016

pooja sharma-I