

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 5006 of 2012 (O&M)

Date of decision : May 20, 2016

Surinder Singh Sodhi and others,

..... Petitioners

v.

Jaswinder Singh,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajeshwar Singh, Advocate
for the petitioners.

Mr. NS Rapri, Advocate
for the respondent.

- 1. Whether Reporters of Local Newspapers 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 2.6.2012 passed by the Rent Controller allowing the petition filed under Section 13-B of the East Punjab Rent Restriction Act, 1949 (for short “the Act”) and thereby evicting the petitioners from the demised premises.

The first ground taken by counsel for the petitioners is that the respondent-landlord having relinquished his citizenship is not covered under the definition of NRI under Section 2(dd) of the Act. This issue has already been decided by this Court against the tenant, vide detailed judgment dated 9.5.2015 passed in CR No.3509 of 2014, Krishan Kumar vs

Kamla Devi.

The second argument raised by counsel for the petitioner is that at one stage, the brother of the respondent had mentioned that there was some partition and as per that, the respondent would have become owner of one of the rented out shops but in the present case, he had filed three petitions against three tenants.

Counsel for the respondent, however, points out that in cross examination, a question was put to the brother of the respondent as to what would be the situation if there was a formal partition between the co-sharers and in response to that question, he stated that in the case of a formal partition each of the siblings would get one shop. As per the learned counsel, this statement can nowhere be heard to mean that there was actually a partition or that the respondent had become owner of only one shop. As regards the right of a co-sharer to file a petition, he has relied upon the decision of this Court in Krishan Kumar's case (supra).

In view of the decision of this Court in Krishan Kumar's case (supra), both the grounds taken by counsel for the petitioners are declined. Consequently, this petition is dismissed being devoid of any merit.

May 20, 2016
'kk'

(AJAY TEWARI)
JUDGE