

C.R. No.5920 of 2012 (O&M)

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

C.R. No.5920 of 2012 (O&M)

Date of Order: 19.05.2016

Rajinder Kumar Kakria

....Petitioner

Versus

Nachter Kaur and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Petitioner in person.

Ms. Amandeep Kaur, Advocate for
Mr. Harsh Bungar, Advocate for the respondents.

AJAY TEWARI ,J (ORAL)

This is a petition against the order of Rent Controller whereby the petition filed by the respondent under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for short "the Act") for eviction of the petitioner from the property in dispute has been allowed.

The first argument raised by the petitioner is that the respondent being a British citizen is not covered under the parameters of NRI as contained in Section 2 (dd) of the Act. This fact has been considered and decided against the tenant in the eviction petition. Second argument raised by the petitioner is that even though he was tenant originally and malafide of the respondent can be gauged by the fact that even he was the tenant but she did not implead him as respondent. That may be so but it is not disputed that the petitioner moved an application for being impleaded as respondent and being granted leave to

defend and that both the reliefs were granted to him and that he even filed written statement in this regard.

Another argument of the petitioner is that the respondent is not his landlord because he had taken the premises on rent from M/s Sat Pal Pandit & Company and was constantly paying rent to it. He, however, has not denied that the respondent purchased the premises in dispute vide sale deed dated 03.03.2000.

In these circumstances, it has to be held that the respondent was the owner and had been so for more than five years when she filed petition on 21.01.2007. The argument that the petitioner had taken the premises on rent from M/s Sat Pal Pandit & Company has been considered by the Rent Controller, who found that M/s Sat Pal Pandit & Company was actually appointed as attorney by the respondent and this fact was proved by the statement of PW2-Rajiv Bhardwaj, who is one of the partners of M/s Sat Pal Pandit & Company.

In view of the aforesaid discussion, the argument of the petitioner that the respondent was not his landlord, is neither here nor there.

Dismissed.

May 19, 2016
manoj

(AJAY TEWARI)
JUDGE