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1. CR-7129-2014 (O&M)
Date of decision : 28.03.2016

versus

2. CR-7130-2014 (O&M)

versus

3. CR-7131-2014 (O&M)

versus

4. CR-7132-2014 (O&M)

versus

Rajan Aggarwal Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. M.S.Kang, Advocate
for the petitioner.

Mr. S.S.Brar, Advocate
for the respondent in CR No.7129 to 7131 of 2014.

Mr. Sanjay Majithia, Senior Advocate with
Mr. Inderjeet Singh, Advocate
for the respondent in CR No.7132-2014.

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 order shall dispose of a bunch of four revision petitions as according to learned counsel for the parties the identical questions of law and fact are involved therein. For the sake of brevity the facts are being extracted from CR-7129-2014.

These petitions have been filed against the different orders granting leave to defend. The petitioner was an NRI who filed these 4 contemporaneous petitions seeking eviction of the respondents on the ground that he required the five shops under their occupation to set up a business of sanitary goods. The Rent Controller having granted leave to defend the petitioner is before this Court.

In my opinion, the order is unexceptionable (*albeit* for reasons apart from those recorded by the Rent Controller). In ***Bhandari General Store and others Vs. Makhan Singh Grewal, (2006) 143 PLR 167*** this Court held that though the NRI-landlord could seek eviction of different tenants from different premises yet whether they all constitute one building

or independent buildings would depend on the facts and circumstances of each case and would have to be decided on the evidence. In this case though there is an averment by the petitioner that the buildings are part of a compact building yet no evidence has been placed on record.

In the circumstances even if this petition is allowed there would be no material before the Court to come to the conclusion that these five shops are part of the same compact building.

Another reason which has been recorded by the Rent Controller is that as per the allegations of the respondents, the petitioner had sought eviction against yet another tenant-Reeta. When this argument was initially raised, the learned counsel for the petitioner wanted to seek time to clarify the circumstances of that case but he has now stated that the interest of his client would be better served if these 5 year old petitions are decided and a direction be issued to the Rent Controller to decide the same expeditiously.

Learned counsel appearing on behalf of the respondents have accepted this proposal. Both the sides have further agreed that they would lead their entire evidence on their own responsibility in three effective opportunities each and the only assistance that they would seek is that of getting summons from the Court. Allowed as prayed for.

In the circumstances, keeping in view the above understanding between the learned counsel all these petitions are remanded back to the Rent Controller to proceed further from the stage of grant of leave to defend with a direction to decide the same expeditiously in terms of Section 18 (A) clause (6) of the East Punjab Urban Rent Restriction Act, 1949.

Parties through their counsel are directed to appear before the Rent Controller on 16.05.2016.

Petitions stand disposed of.

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

March 28, 2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**