

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

207

CR No.2545 of 2012 (O&M)
Date of Decision : 23.02.2017

Krishan Chand Thakur

...Petitioner

Versus

Rajinder Singh Kalsi and another

....Respondents

Corum: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present:- Mr.Ajaivir Singh, Advocate
 for the petitioner.
 Mr.Varun Katyal, Advocate for
 Ms.Amminder P. Katyal, Advocate for the respondents.

G.S.Sandhawalia, J. (oral)

Counsel for the respondents has fairly conceded that the property had been purchased on 16.11.2012 by one Jaskaran Singh Bajwa with others. Ejectment order was passed on 03.03.2012 under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (fort short the 'Act') on account of leave to contest application filed by the petitioner-tenant, being dismissed. Resultantly, eviction order was passed in favour of the respondent, erstwhile owner. It has been brought to the notice of the Court that the separate proceedings under the Rent Act are now pending between the purchaser and the petitioner.

Resultantly, this Court is of the opinion that the present revision has to be allowed on this basis itself, specially keeping in view the fact that before the Rent Controller also, the objections were that there was no bona fide requirement.

Since the leave to contest was granted on the bona fide presumption in favour of the landlord which had been doubted by the tenant and it is only on the presumption that it was genuine, the application was

allowed.

Keeping in view the subsequent events, whereby the sale has been effected, this Court is of the opinion that in such circumstances, the revision petition is liable to be accepted. Accordingly, civil revision petition is allowed and the order dated 03.3.2012 dismissing the application for leave to contest and ordering the eviction under Section 13-B of the Act is set aside.

23.02.2017
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[G.S.Sandhawalia]
Judge