

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

Civil Misc. No.25232-CII of 2016 in/and
Civil Revision No.2716 of 2016
Date of decision: 07.03.2017

Kapil Kumar

...Petitioner

Versus

Avtar Singh Bhatos and another

...Respondents

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

Present: None for the petitioner.

Mr. Ravi Kamal Gupta, Advocate for the applicants-
respondents

G.S.SANDHAWALIA, J. (Oral)

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Notice of the Civil Misc. Application for disposal of the present revision petition in terms of the judgment dated 10.5.2016 passed in Civil Revision Nos. 2635 and 2636 of 2016 (Annexure R/1) was issued to the counsel for the petitioner.

Case has been called twice.

None has put in appearance on behalf of the petitioner.

It is the case of the respondents/landlords that other tenants' revision petitions have been dismissed vide the aforesaid order. It is further case of the landlords that even the present petitioner had vacated three shops bearing Nos.14, 15 and 17 at village Kajheri. Reliance has been placed upon the report of Bailiff dated 4.10.2016 wherein it is mentioned that possession was given which had been placed on record.

Resultantly, keeping in view the above since the possession has

already been handed over the present revision petition is disposed of as having been rendered infructuous.

It is pertinent to mention here that the leave to contest had been declined under Section 18-A of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “the Act”) in the petition filed under Section 13-B of the Act. The mandatory requirements of the landlord in the indicated matters have also been duly noticed that he is a British born citizen and wants to use the premises and ownership for the requisite period of five years is present. Merely because the petition had been filed by the attorney would not as such debar him at that stage keeping in view the judgment in **Basant Kumar Vs. Romesh Kumar Deora** 2008(2) RCR (Civil) 176 and the judgment in **Krishan Kumar Vs. Kamla Devi** 2016 (1) RCR (Rent) 525. It is also to be noticed that view taken in **Krishan Kumar's case (supra)** has further been upheld by the Apex Court in SLP (C) Nos. 15366-15367 of 2016-Harbhajan Singh Gill etc. Vs. Dr. Mohinder Paul Singh Ahluwalia decided on 11.1.2017.

Accordingly, the present revision petition is disposed of as having been rendered infructuous.

March 07, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No