

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

**Civil Revision No.2790 of 2016 (O&M)
Decided on : 16.05.2017**

M/s Electronic Eye and another

... Petitioners

Versus

Amarjit Singh

... Respondent

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

Present : Mr. Amit Prashar, Advocate
for the petitioners.

Mr. Sandeep Verma, Advocate
for the respondent.

G.S. Sandhawalia, J. (Oral)

The challenge by the petitioner-tenant in the present revision petition is to the order dated 25.02.2016 (Annexure P-1) passed by the Rent Controller, Chandigarh, whereby leave to contest was dismissed under Section 18-A in a petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as '1949 Act').

The tenanted premises is Cabin No.3 situated on the 2nd floor of SCO No.483-484, Sector 35-C, Chandigarh. In the application for leave to contest a specific averment was made that after getting the possession of basement and ground floor from the other tenant in the month of March, 2015, the landlord had leased it out to a liquor shop and inducted a fresh tenant and, thus, there was no bonafide requirement.

The said factum was denied by the landlord in his reply to the application for leave to contest.

The Rent Controller has noticed the said contention and come

to the conclusion that the landlord was himself running business in partnership with M/s Ohri Steel Pvt. Limited. It was held that a bald assertion of sham transaction was insufficient to allow the application to leave to contest and to put to the landlord to lead evidence. It was noticed that ejectment petitions, which had been filed against different tenants had been accepted.

Counsel for the petitioner has rightly pointed out that in similarly situated **Civil Revision No.2474 of 2015 titled as 'M/s Sangam Caterers and another Vs. Amarjit Singh'** and other connected petitions leave to contest has been granted to the other tenants on 08.05.2017, on the same ground that the premises were leased out to the liquor vendor and one M/s Ohri Steel Pvt. Limited was supposed to be the tenant.

It has been noticed that the introduction of the present respondent as a partner in the M/s Ohri Steel Pvt. Limited, *prima facie* was at a subsequent point of time as per the documents supplied under the RTI and, therefore, the bonafide as such having been not *prima facie* made out, the leave to contest has been granted to the tenants in the same building.

Accordingly, this Court is of the opinion that the matter is squarely covered. The present revision petition is allowed and the order passed by the Rent Controller dated 25.02.2016 (Annexure P-1) is set aside and leave to contest is granted.

The petitioner shall have a right to file the written statement.

Needless to say that the petition under Section 13-B of the

1949 Act was filed on 20.08.2015 and it be decided expeditiously as per the directions issued earlier in **Civil Revision No.2474 of 2015** and other connected petitions.

The District & Session Judge, Chandigarh shall also ensure that the said eviction petition is heard by the same Rent Controller alongwith the bunch of the other cases, to avoid contradictory findings.

MAY 16, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No