

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

Civil Revision No.3421 of 2012(O&M)

Date of decision: 15.03.2017

Rajiv Kumar

...Petitioner

Versus

Bhupinder Singh and another

...Respondents

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

Present: Mr. Sunil Chadha, Senior Advocate with
Ms. Swati Verma, Advocate for the petitioner.

Mr. Vikas Behl, Senior Advocate with
Mr. Namit Gautam, Advocate for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The present petition was argued for some time yesterday. Keeping in view the fact that the order dated 6.4.2012 whereby leave to contest had been declined by the Rent Controller, Ludhiana was not sustainable and in order to avoid further delay an opportunity was given to the counsel for the respondents to seek instructions as to whether they are willing to give consent to set aside the impugned order.

Mr. Namit Gautam counsel for the respondent submits that he has instructions that the order may be set aside keeping in view the fact that further delay would be caused since it is a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “the Act”) filed in the year 2010.

Even though consent has been given yet it would be pertinent to notice that there was a sufficient triable issue as such which had been raised in the application under Section 18-A of the Act. They would in

normal circumstances be a good ground to grant leave to contest in as much as there is a dispute that whether on account of succession opening to the wife of the deceased, Amarjit Kaur she had exclusive right in view of the alleged will in her favour or her sons have become co-owners since the matter related to the basic issue of ownership for 5 years. In such circumstances, the impugned order dated 6.4.2012 would not be sustainable and is accordingly set aside.

Nevertheless not commenting upon the same and keeping in view the fact that now the respondents have consented for setting aside the said order, leave to contest is granted to the petitioner/tenant. The tenant will file written statement to the petition under Section 13-B of the Act within a period of four weeks from today.

Needless to say since it is a petition which was filed on 11.8.2010 and a period of more than six years have gone by, it would be appropriate if the Rent Controller, Ludhiana shall decide the proceedings by 31.12.2017.

Accordingly, the present revision petition is disposed off.

March 15, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No