

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CR No.6003 of 2014 (O&M)

Jaswinder Singh

....Petitioner

Versus

Bakhshish Singh

...Respondent

CR No.6681 of 2014 (O&M)

M/s Jain Plastics & another

....Petitioners

Versus

Bakhshish Singh

...Respondent

CR No.1113 of 2013 (O&M)

Ajmer Singh

....Petitioner

Versus

Bakhshish Singh

...Respondent

Date of decision: 20.04.2017

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

Present: Mr.Divanshu Jain, Advocate, for the petitioner
(in CR-6003-2014) &
For Mr.Om Pal Sharma, Advocate, for the petitioner
(in CR-1113-2013).

Mr.Deepanshu Mehta, Advocate, for
Mr.Paras Talwar, Advocate, for the petitioners
(in CR-6681-2014).

Mr.J.S.Toor, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

The petitioner-tenants are challenging the orders in the present set of three revision petitions, bearing CR-6003 & 6681-2014 and CR-1113-2013, whereby leave to contest has been declined under Section 18-A of the East Punjab Urban Rent Restriction Act, 1949 (for short, the 'Act') and eviction has been ordered on 28.07.2014 (in CR-6003-2014) and 30.07.2013 (in CR-6681-2014), by two different Rent Controllers, Ludhiana, under Section 13-B. Another connected matter, i.e., CR-1113-

CR-6003 & 6681-2014 (O&M) & CR-1113-2013 (O&M)

2013, which stands admitted on 28.02.2013, has also been called for, with the consent of the parties, since the landlord is common and in the said case, the impugned order is dated 07.01.2013.

Eviction had been sought by the respondent-NRI landlord from the three tenants, under Section 13-B who are in possession of various shops in one building, bearing Municipal No.1695, near Happy Dharam Kanda, Janta Nagar, Ludhiana. The ground for eviction was that the landlord was the owner of the big building having 5 shops and therefore, he being an NRI and the fact that he required the said shops for converting it into a big showroom of readymade garments and that at the back of the shops, he had also got his residence, *bona fide* requirement was pleaded. His grandson who was residing in Canada also intended to join him in the said business. It is pertinent to mention that reference was also made to the earlier order dated 07.01.2013, which has been impugned in CR-1113-2013, that ejectment had also been granted in one case. The respective Rent Controllers, thus, keeping in view the fact that necessary ingredients were, as such, made out, dismissed the applications under Section 18-A of the Act, while allowing the application under Section 13-B, as noticed.

Counsel for the petitioner(s) has, however, submitted that regarding another tenant in the same premises, namely, M/s Capital Plastics & another, this Court in CR-6356-2014 had set aside a similar order declining leave to contest and granted the leave to defend by filing the written statement. Thus, it would be apparent that eviction proceedings of one of the tenants is going on, after leading of evidence.

CR-6003 & 6681-2014 (O&M) & CR-1113-2013 (O&M)

As noticed, the purpose is to amalgamate all the 5 shops and in case possession is not delivered of one shop, the purpose, as such, cannot be achieved. In a similar circumstance, in **Mukand Lal Bawa Vs. Satwant Singh 2009 (3) PLR 809**, leave to defend, granted by the Rent Controller, was upheld on this ground itself. Resultantly, this Court is of the opinion that the purpose, as such, of the landlord to reconstruct, cannot be achieved until he gets vacant possession of the property which is in possession of M/s Capital Plastics. Even otherwise, leave to contest has been granted by this Court in the case of that tenant, as noticed. It would be in the fitness of things, thus, to grant leave to contest in the present cases also.

Accordingly, the present revision petitions are allowed, the orders passed by the Rent Controllers dated 07.01.2013 (in CR-1113-2013), 28.07.2014 (in CR-6003-2014) and 30.07.2013 (in CR-6681-2014) are set aside and leave to contest is granted. Since the shops are part of one building, it would be appropriate that the District Judge, Ludhiana assigns all the cases to the Rent Controller who is already dealing with the ejectment petition tilted *Bakhshish Singh Vs. M/s Capital Plastics*. It will be open to the petitioner-tenants to file their written statements and take all necessary objections and the Rent Controller shall make efforts to dispose of the proceedings by 31.12.2017.

20.04.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No