

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

**CR No.7421 of 2014 (O&M)**  
**Date of decision: 22.03.2017**

Panchayat Samiti & another .....Petitioners  
Versus  
Saminder Singh ...Respondent

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

Present: Mr.Harit Sharma, Advocate, for the petitioners.

None for the respondent.

**G.S. SANDHAWALIA, J. (Oral)**

The present revision petition, filed by the petitioners-tenant, is directed against the order dated 07.08.2014, passed by the Rent Controller, Jalandhar, whereby application for leave to contest, filed under Section 18-A of the East Punjab Urban Rent Restriction Act, 1949 (for short, the 'Act') has been declined.

In the petition filed under Section 13-B of the Act on 11.04.2011, by the respondent-landlord, the plea taken was that he is a British citizen and therefore, is an NRI and owner for more than last 5 years.

Counsel for the petitioners has vehemently argued that Smt. Parkasho, mother of the respondent, was being paid the rent till January, 2014 and therefore, the respondent would have no right, as such.

A perusal of the order of the Rent Controller would go on to show that the sale deed was dated 22.11.1973, in favour of Parkasho and Madan Ram, the father of the respondents, for 1 kanal 17 marlas 10 sq.ft. The death certificate of Madan Ram was also placed on record to show that he died on 09.12.1992 and the respondent had succeeded and became owner

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to that extent, being the son and therefore, the contention that he was not the landlord and the owner of the building, as such, is without any basis. The leave to contest is only to be granted if some triable issue is, as such, made out.

In the present case, as noticed, the necessary ingredients have been duly put-forth by the respondents and the Rent Controller has examined it, to come to the conclusion that the necessary 4 ingredients, as laid down in **Baldev Singh Bajwa Vs. Monish Saini 2005 (12) SCC 778** have been duly brought on record. In the absence of any material to show that there was any triable issue, as such, and the fact that the relationship of landlord-tenant was also admitted by the tenant and that a co-owner can always file a petition, in view of the judgment passed by a Division Bench of this Court in **Smt. Bachan Kaur & others Vs. Kabal Singh & another 2011 (1) RCR (Rent) 368**, no illegality or irregularity can be found in the impugned order.

Thus, from the above discussion, this Court is of the opinion that the impugned order does not warrant any interference by this Court, under revisional jurisdiction and the same is, hereby, dismissed.

22.03.2017  
Sailesh

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*                      *Yes/No*

*Whether Reportable:*                              *Yes/No*