

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

Civil Revision No.7754 of 2012(O&M)

Date of decision: 24.04.2017

Haryana State Electronics Development Corporation Limited **...Petitioner**

Versus

Harkiran Amarjit Singh

...Respondent

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

Present: Mr. Aman Chaudhary, Advocate for the petitioner.

Mr. Gagneshwar Walia, Advocate for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The petitioner-tenant challenges the order dated 7.8.2012, passed by the Rent Controller, Chandigarh, whereby eviction had been ordered under Section 13-B of the East Punjab Rent Restriction Act, 1949 (hereinafter referred to as "the Act") while disposing of the application under Section 18-A of the Act for leave to contest.

The Rent Controller, U.T.Chandigarh has taken into account the fact that the property was leased out on 30.12.1994 and the petition was instituted on 23.3.2012 and the dispute as such was that the respondent/landlord who was a NRI, was one of the co-owner.

The objection raised as such that one of the co-owner could not file a petition has been repelled by the law laid down by the Division Bench in **Smt. Bachan Kaur Vs. Kabul Singh and another 2011(1) RCR (Rent) 368**. The Rent Controller, Chandigarh was, thus, well justified in holding that the argument that there was no intention to come back permanently is misconceived keeping in view the observations made by the Apex Court in **Baldev Singh Bajwa vs. Monish Saini, 2005 (4) RCR (Civil) 492** that there was no requirement as such. The necessary averments have been made by the respondent who is an NRI having been born in India is having passport issued by the USA and wants to return to India.

The necessary ingredients of requisite period of ownership for five years prior to filing of the petition, intention to return to India along with fact that the landlord was an NRI of Indian origin, thus having been pleaded under Section 13-B of the Act no triable issue is arising. It is not disputed that possession of the premises in question have already been taken away back on 18.12.2012 in execution proceedings. In such circumstances merely because some other tenant had approached the Apex Court and had got the stay qua the particular premises could not be a ground to keep the petition pending.

The observations made in **Baldev Singh Bajwa's case (supra)** had been followed by the three Judge Bench in **Swami Nath vs. Nirmal Singh, 2010 (2) RCR 388** and also thereafter by the Apex Court in ***'Kamaljit Singh Vs. Sarabjit Singh'* 2014 (4) PLR 828** in which it has been held that the said Act is a beneficial piece of legislation and NRIs are entitled for eviction from the premises by summary proceedings and the object of Act would be frustrated if they have to go through the normal trial and contest the petitions.

Resultantly, the findings recorded by the Rent Controller, Chandigarh vide impugned order dated 7.8.2012 do not suffer from any infirmity or illegality which would warrant interference by this Court.

Accordingly, the present revision petition is dismissed.

April 24, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No