

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

224

Date of decision: 28.09.2018
CR-1230-2016 (O&M)

DR. K.S. YADAV

...Petitioner

Versus

SURENDER KAUR

...Respondent

CR-4045-2016 (O&M)

Y. P. SARDANA

...Petitioner

Versus

SURENDER KAUR

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Petitioner in person (CR-1230-2016)

Mr. Ankur Bali, Advocate for the petitioner (CR-4045-2016).

Mr. G.S. Sandhu, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

This order will dispose of CR Nos.1230 and 4045 of 2016 as identical questions of law and fact are involved for adjudication. For sake of convenience, facts are taken from CR No.1230 of 2016.

Challenge in the present petition has been directed against order dated 21.01.2016 passed by the Rent Controller, Chandigarh whereby application for leave to contest, filed under Section 18-A of the East Punjab Urban Rent Restrictions Act, 1949 (in short 'the Act'), in eviction application filed by Smt. Surender Kaur, respondent under Section 13-B of the Act in respect of demised premises, has been dismissed and eviction application was allowed and the petitioner (respondent therein) is directed to handover vacant physical possession of demised property i.e. ground floor portion of residential house No.2075, Sector 15-C, Chandigarh to the respondent landlady within a period of one month from

the date of order.

It is argued that with regard to ownership of the property in question, a title suit has been decided by the Civil Court vide judgment and decree dated 11.06.2009 whereby it has been held that the respondent has no title, right or interest in the property in question and the decree dated 11.06.2009 has attained finality, as has been noticed by this Court on 03.11.2017. It is vehemently argued that as the respondent has no right or interest in the property in question, she cannot seek eviction by claiming herself to be owner of the suit property and NRI landlady, by invoking Section 13-B of the Act.

Counsel for the respondent would state that he has the instructions to say that the petition may be allowed, impugned order may be set aside and the application filed by the petitioner seeking leave to contest is allowed with a direction to the Rent Controller to proceed with the case, in accordance with law.

In view of the above, the petitions are allowed. The impugned orders dismissing applications for leave to contest and allowing eviction applications filed by the respondent are set aside. As a natural corollary, applications filed by the petitioners under Section 18-A of the Act are allowed, eviction applications filed by the respondent are restored on the board of Rent Controller, Chandigarh for proceeding with the case in accordance with law. Parties through their counsel are directed to appear before the Rent Controller, Chandigarh on 23.10.2018.

No order as to costs.

28.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No