

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

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CM-11726-CII-2016 in/and
CR No.5269 of 2014

Date of decision: 27.02.2018

SUKHWINDER KAUR

.... Petitioner

versus

RAJINDER SINGH BRAR

.... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Naveen Saini, Advocate for the petitioner.

Mr. Shailender Sharma, Advocate for the applicant-respondent.

Rekha Mittal, J(Oral)

CM No.11726-CII of 2016

Prayer in this application is for vacation of stay on the premise that the petitioner has failed to deposit the monthly rent as assessed by the learned Rent Controller as well as upto date rent.

Counsel for the parties have got no objection, if CR No.5269 of 2014 is taken on board and decided on merits.

In view of the above, application stands disposed of and CR No.5269 of 2014 is taken up on board today itself.

Main Case

The present petition has been directed against order dated 14.07.2014 passed by the Rent Controller, SAS Nagar Mohali whereby the petitioner has been ordered to be evicted from the premises in question on account of non-payment of provisional rent assessed by the Rent Controller.

Counsel for the parties are *ad idem* that the present petition may be allowed, impugned order may be set aside and the matter be remitted to the Rent Controller for decision of the petition for eviction of the petitioner only on the ground of personal requirement under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (in short 'the Act').

Counsel for the petitioner would contend that under Section 13-B of the Act, eviction can be sought only on the ground of personal requirement and not on account of non-payment of rent.

Counsel for the respondent would state that the present petition may be disposed of in the aforesaid terms but without prejudice to right of the respondent to file a separate eviction application for ejection of the petitioner on the ground of non-payment of rent.

In view of the above, the petition is allowed, impugned order dated 14.07.2014 is set aside and the matter is remitted to learned Rent Controller for decision of the petition under Section 13-B of the Act only qua eviction of the petitioner/tenant on the ground of personal requirement. However, the respondent would be at liberty to file a separate application for ejection of the petitioner on the ground of non-payment of rent, in accordance with law.

The parties through their counsel are directed to appear before the Rent Controller, SAS Nagar, Mohali on 19.03.2018.

27.02.2018
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/non-speaking?	Yes	/	No
Whether reportable?	Yes	/	No