

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6648 of 2014 (O&M)

Date of Decision: 29.11.2018

Harbhajan Singh Virdi

...Petitioner

VERSUS

M/s United Automobiles

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Gurna, Advocate
for the petitioner.

Mr. Sham Lal Bhalla, Advocate
for the respondent.

SURINDER GUPTA, J. (Oral)

Heard.

The petitioner is challenging order dated 15.05.2014, whereby learned Rent Controller has dismissed the petition filed by the petitioner under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for short 'the Rent Act') seeking ejectment of the respondent on the ground that petitioner has not been able to produce documentary evidence that he is a Non-Resident Indian.

2. Learned counsel for the petitioner submits that copy of passport was produced to this effect but the same was discarded on the ground that it was not complete copy of the passport. Learned Rent Controller has also taken note of the fact that there is a note on the passport that the petitioner cannot return to India before 13.07.2014, which indicates that he is a Non-Resident Indian. He further submits that the petitioner will produce entire passport before learned Rent Controller to determine this question again.

Learned counsel for the respondent has no objection if this

petition is allowed and the matter is remanded to learned Rent Controller and opportunity is allowed to the tenant-respondent to address arguments on the issue of Non-Resident Indian and on other connected issues.

In view of submission of learned counsel for the petitioner but without expressing any opinion on merit of the case, this petition is allowed and the matter is sent back to learned Rent Controller to hear both the parties and decide the ejectment petition afresh. Before hearing the parties, opportunity will be allowed to the petitioner to produce on record documents in support of his contention that he is a Non-Resident Indian. The parties are directed to appear before learned Rent Controller on 11.12.2018, who will take the petition on board and decide the same afresh as per above observations.

November 29, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No