

Sat Pal Singh

....Petitioner

Versus

Amarjit Singh Hayer

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: None for the petitioner.

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

NIRMALJIT KAUR, J. (ORAL)

On 16.10.2019, the following order was passed:-

“No reply has been filed to the application till date.

Learned counsel for the non-applicant-petitioner still prays for more time to file reply to the application. Let the same be filed subject to payment of ₹ 5,000/- as costs to be paid to the respondent.

Adjourned to 19.11.2019.”

Today, no one is present on behalf of the petitioner-tenant.

Learned counsel for the respondent-land lord has pointed out that neither any reply to the application has been filed nor ₹ 5,000/- as ordered to be deposited as costs, has been paid.

This Court would have accordingly proceeded to determine the mesne profit but taking into account that the main issue on the basis of which dispossession of the petitioner-tenant was stayed while issuing notice of motion on 8.4.2016, has since been decided by the Hon'ble Apex Court, this Court proceeds to dispose of the main revision petition.

While issuing notice of motion, contention of learned counsel for the petitioner-tenant was that the respondent-land lord Amarjit Singh

Hayer is holding a passport of United Kingdom of Great Britain Northern Ireland, therefore, is a citizen of a foreign country and not an Indian citizen and the issue as to whether a passport holder of a foreign country other than India was a Non-Resident-Indian within the meaning of Section 13-B of the East Punjab Rent Restriction Act, 1949, is pending consideration before the Hon'ble Apex Court.

The matter was being adjourned to await the said decision. The SLP has since been decided vide order 14.11.2019 and the said issue stands decided in favour of the respondent-land lord.

The fact that the petitioner has not filed the reply to the application for mesne profit nor deposited the cost further shows that he is not interested in pursuing the matter specially in view of the judgment rendered by Hon'ble the Apex Court. Accordingly, the present revision petition is dismissed being devoid of merits.

(NIRMALJIT KAUR)
JUDGE

19.11.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No