

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

CM-69-CII-2018 in/and
CR No.3736 of 2012 (O&M)
Date of Decision: 29.11.2019

Mukesh Kumar

.....Petitioner

Versus

Saranjeet Kaur

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Vijay Rana, Advocate, for the petitioner.

Mr. Amardeep Singh Gill, Advocate, for the respondent.

NIRMALJIT KAUR, J.

CM-69-CII-2018

The matter comes up on an application filed by the respondent for vacation of stay on the ground that SLP No.189 of 2011 (**Janak Raj Pathak v. Harcharan Singh and another**) has since been decided against the petitioner-tenant.

Learned counsel for the parties are agreed that the main revision petition itself can be taken up for hearing. Accordingly, the same is taken on board for hearing today itself, which is listed at serial No.713 on Regular board of this Court.

CM stands disposed of.

CR No.3736 of 2012 (O&M)

The present revision petition is filed against the order dated 03.04.2012 passed by the learned Rent Controller, Jalandhar, vide which, the application dated 11.02.2011 seeking leave to defend in an eviction

Punjab Urban Rent Restriction Act, 1949 (for short, 'the Act') was dismissed.

The only ground raised by the learned counsel for the petitioner was that respondent-landlord was an USA citizen and did not fall within the definition of an NRI as per Section 2DD of the Act, and that the said matter was pending adjudication in the Hon'ble Supreme Court in various Special Leave Petitions. The respondent seems to be an NRI and cannot be termed as NRI. The matter was admitted and dispossession of the petitioner was stayed and it was ordered that the matter be listed after the decision in the SLP No.189 of 2011. It is not disputed before this Court that the said SLP has since been decided by the Hon'ble Supreme Court against the petitioner-tenant. Copies of the orders have also been placed on record as Annexures R-1 & R-2. In fact, the said SLP and many other connected appeals have since been decided in favour of the landlord(s), and the landlord(s) in the facts of the present case is held to be an NRI. Learned counsel for the petitioner-tenant has not been able to dispute the same. No other argument is raised.

Accordingly, the present revision is dismissed being devoid of merits.

29.11.2019
sharmila

(NIRMALJIT KAUR)
JUDGE

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