

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6627 of 2014 (O&M)
Date of Order:28.02.2020

Gurnam Saini

..Petitioner

Versus

Amar Singh Dev

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Dhiman, Advocate, for
Mr. Sushil Saini, Advocate,
for the petitioner.

Mr. Ashwani Kr. Chopra, Sr. Advocate, with
Mr. Akshit Chaudhary, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The tenant-petitioner has filed the present revision petition against the order passed by the learned Rent Controller dated 31.07.2014 declining the application filed by the tenant-petitioner for grant of leave to contest the petition filed under Section 13-B of the East Punjab Rent Restriction Act, 1949 (hereinafter to be referred to as 'the 1949 Act').

Section 13-B of the 1949 Act gives a special right to the Non Resident Indians to recover immediate possession of the residential building or scheduled building and/or non-residential building. The requirement is that such petitions to be filed by owner who is a Non Resident Indian. The word used in Section 13-B of the 1949 Act is “owner” whereas under Section 13 of the 1949 Act, the word used is “landlord”. A landlord is not necessarily required to be owner.

The tenant while filing the application for leave to contest

pleaded that the petitioner in the main petition i.e. Amar Singh Dev, is not the owner of the premises.

After arguing at some length, learned counsels for the parties have arrived at a consensus. They jointly pray that the impugned order passed by the learned Rent Controller declining leave to contest be set aside and the learned Rent Controller be directed to re-decide the application, in accordance with law, within a period of 2 months.

In view of the consensus arrived at, no further elaboration is required.

Disposed of accordingly.

Parties through their counsels are directed to appear before the learned Rent Controller, on 23.03.2020.

February 28, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No