

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

CR-1070-2020 (O&M)

Date of decision: 09.12.2021

Hans Raj Sachdeva and another

...Petitioners

Versus

Brij Mohan Chopra (since deceased) through his L.Rs

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Arun Singla, Advocate for the petitioners

Mr. Gurpreet Singh, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The petitioners are undisputed owners of the leased property. Their application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, has been dismissed by both the courts below on the ground that the petitioners have failed to prove that they are owners as well as the landlords. On 13.02.2020, while issuing notice of motion, the following contentions of the learned counsel representing the petitioners were noticed:-

“Learned counsel for the petitioners contends that although respondent-tenant had neither disputed that the property in question is owned by the petitioners nor disputed that the petitioners are landlords, still both the Courts have chosen to dismiss the petition on the ground that the petitioners have failed to prove that they are owners as well as landlords.

Notice of motion for 24.3.2020.

Dasti only.”

Learned counsel representing the respondents does not dispute the factual position. He submits that he has no objection if the orders passed by both the courts below, are set aside and the Rent

Controller is directed to decide the application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, afresh on merits.

Keeping in view the aforesaid facts, the orders passed by both the courts are set aside. The matter is remitted back to the Rent Controller, Chandigarh to decide the matter afresh, in accordance with the law. The parties through their counsel are directed to appear before the Rent Controller on 20.12.2021. It is expected that the Rent Controller will make a sincere endeavour for expeditious disposal of the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949.

All the pending miscellaneous applications, if any, are also disposed of.

09.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE