

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1326 of 2016 (O&M)
and other connected cases
Date of decision: 21.09.2022

Mohinder Singh

..Petitioner

Versus

Om Dutt Joshi and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Ranjit Singh Saini, Advocate and
Mr. Anmol Dutt Sharma, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

Civil Revision No.1326, 1822, 1649 and 1696 of 2016, have been filed by the tenants while challenging the separate but similar, orders passed by the Rent Controller.

The applications filed by the respective tenants for grant of leave to contest in the eviction petition have been dismissed. The respondents (landlords) are Non Resident Indians. As per Section 13B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'), the Non Resident Indians landowners are entitled to immediate possession of one tenanted premises during their life time. Under Section 18 of the 1949 Act, there is a provision to enable the tenant to seek the leave to contest, by making out a case that the petition filed by the landowners is liable to be dismissed.

In the present case, the respective applications, so filed, have been dismissed by the Rent Controller after discussing the material available

before it. It has been held that the petitioners have failed to make out a case for grant of leave to contest.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the petitioners contends that the eviction petition itself was not maintainable as it was filed through the attorney of the landlords, namely, Sh. Harjit Singh.

On the other hand, the learned counsel representing the respondents submits that during the pendency of the present revision petitions, the landowners themselves came forward.

The learned counsel representing the petitioners has failed to draw the attention of the Court to any prohibition or bar in filing the petition under Section 13B of the 1949 Act, through a duly executed power of attorney holder. In this case, the landlords have expressed their bonafide necessity to come back and settle in India. In such circumstances, the genuineness of their requirement has been accepted by the Rent Controller.

The learned counsel representing the petitioners has not pressed any other argument.

Hence, dismissed.

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

September 21, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>