

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1772 of 2015 (O&M)
Date of decision: 31.08.2022

Gurmeet Singh

..Petitioner

Versus

Raj Kumari Bhanot through her attorney Sakattar Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Mohan Gupta, Advocate
for the petitioner.
Mr. Harsh Aggarwal, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

In a petition filed under section 13-B of the East Punjab Urban Rent Restriction Act, 1949, by the respondent (landlady), an application filed by the tenant (the petitioner herein) for grant of leave to contest the suit has been declined. Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, enables the Non Indian Resident (NRI) to recover the immediate possession of the tenanted premises on the ground of the bonafide personal necessity. Section 18-A prescribes the procedure for the tenant to file an application for leave to contest along with an affidavit. In the present case, the tenant alleges that he was in possession of the two shops as a tenant under the family of the late Sh. Hari Ram Bhanot, predecessor of the respondent. He has asserted that Smt. Satish Bhanot entered into an agreement in the year 2007 on her behalf, as well as on the behalf of the respondent undertaking not to file a petition under Section 13-B of the 1949 Act, if the tenant handovers vacant possession of one of the tenanted shops.

He submits that Smt. Satish Bhanot was power of attorney holder of the

respondent-landlady. He submits that the Rent Controller has not dealt with the aforesaid ground though asserted in the affidavit filed for leave to defend.

Prima facie, the agreement dated 12.02.2007, has been produced on the Court file. The petitioner submits that pursuant to the aforesaid agreement, he had handed over the vacant possession of one of the tenanted shop to the landlady.

Keeping in view the aforesaid facts, it is considered appropriate to grant the leave to contest to the tenant, while setting aside the order passed by the Rent Controller. However, the Rent Controller is requested to make sincere endeavours for the conclusion of the trial of the rent petition within a period of one year, from today, positively.

The parties through their counsel are directed to appear before the Rent Controller on 30.09.2022.

The learned counsel representing the respondent-landlady submits that the tenant had handed over the demand draft drawn in favour of the landlady, but the landlady has no bank account to deposit the draft.

Let this matter be examined by the Rent Controller.

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

August 31, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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