

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

1.CR-1974-2018 (O&M)

Lakhwinder Kumar

....Petitioner

Versus

Manjit Singh

..Respondent

2.CR-1977-2018 (O&M)

Inderjit

....Petitioner

Versus

Manjit Singh

..Respondent

3.CR-1978-2018 (O&M)

Jaswinder Singh

....Petitioner

Versus

Manjit Singh

..Respondent

4.CR-2715-2018 (O&M)

Kamaljit Singh

....Petitioner

Versus

Manjit Singh

..Respondent

Date of decision: 15.03.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manu K Bhandari, Advocate for the petitioner
in CR-1974,1977 and 1978 of 2018

Mr. G.S.Madaan, Advocate for the petitioner
in CR-2715-2018

Mr. Namit Gautam, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

By this order, four civil revision petitions i.e CR-1974, 1977, 1978 and 2715 of 2018 shall stand disposed of.

Learned counsel representing the respective parties are ad idem that these revision petitions can be disposed of by a common order.

The petitioners in all the four revision petitions are the tenants. They have been ordered to be evicted by the learned Rent Controller while allowing the petitions filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to 'the 1949 Act'). Section 13-B of the 1949 Act enables a Non Resident Indian to take immediate possession of the tenanted property. The eviction petition was filed in the year 2012.

These revision petitions were kept pending in order to await the decision of the larger Bench of the Hon'ble Supreme Court in **Ram Krishan Grover and others vs. Union of India and others (Civil Appeal No.8597-2019) decided on 14.11.2019.**

Learned counsel representing the petitioners admit that the aforesaid judgment is against the petitioners, even then they have been permitted to address the Court on merits. They contend that the respondent while filing the eviction petition did not disclose the property specified in para 12 of the affidavit. It is not in dispute that the respondent-landlord has disclosed the aforesaid property in his own affidavit. Hence, there is no intentional concealment of material facts disentitling him from the order of eviction.

The next argument of the learned counsel representing the

petitioners is that the respondent has not come back from Italy.

On reading of Section 13-B of the 1949 Act, it is evident that the landlord is not required to return to India to file an eviction petition. The aforesaid matter is no longer res integra. Reliance in this regard can be made to judgment rendered in **Satish Aggarwal vs. Davinder Kumar 2020 (2) RCR (Rent) 479.**

Hence, no ground to interfere is made out.

Dismissed.

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

15.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE