

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3626 of 2016 (O&M)

Date of Decision: 21.04.2022

M/s Nishant Enterprises and Another

... Petitioner(s)

Versus

Harvinder Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Deepali Puri Advocate
for the petitioner(s).

Mr. Divanshu Jain, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The tenants assail the correctness of the order of eviction passed by the Rent Controller in a petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “the 1949 Act”). Section 13-B of the 1949 Act is a special provision incorporated in the aforesaid Act enabling the Non-Resident Indian landlords to get immediate possession of their property under lease, if they wish to come back and settle in India. The petition was filed on 23.12.2011. The Rent Controller refused to grant leave to defend. The aforesaid order was challenged by filing the present revision petition. The matter was kept pending in order to await the decision of the Supreme Court. The learned counsel representing the parties are *ad idem* that the larger Bench of the

Supreme Court has decided such an issue in *Ram Krishan Grover and Others v. Union of India and Others (Civil Appeal No. 8597 of 2019 arising out of Special Leave Petition (Civil) No. 26925 of 2011, decided on 14.11.2019)*.

3. Hence, the main ground of challenge to the order of eviction is covered by the aforesaid decision of the Supreme Court.

4. In any case, the learned counsel representing the petitioners has made a sincere attempt to convince the Court that the order under challenge cannot be sustained. It may be noted here that the Rent Controller, after recording a finding that the tenant has failed to put-forth any plausible defence, has declined the leave to defend. By now, it is well settled that the leave to defend can be granted only if the tenant satisfies that he has a plausible defence. A reference can be made to the judgment rendered by the Supreme Court in *Baldev Singh Bajwa v. Monish Saini 2005(2) RCR (Rent) 470*.

5. Moreover, it is well settled that the High Court, while exercising the revisional jurisdiction, has a limited scope. In the absence of any perversity, any substantive or material error in the order passed, the High Court is not expected to interfere. A reliance, in this regard, can be placed on the five Judges Bench judgment of the Supreme Court in *Hindustan Petroleum Corporation Limited v. Dilbahar Singh (2014) 9 SCC 78*.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

April 21, 2022
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No