

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

CR-7406-2014 (O&M)

Date of decision: 02.03.2022

Dev Raj

....Petitioner

Versus

Kaushalya Mamman through Attorney Parshotam Lal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Bajaj, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The tenant assails the correctness of the order passed by the Rent Controller, Jalandhar on 04.10.2014, while dismissing an application for leave to contest under Section 18-A (4-5) of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'). The respondent filed a petition under Section 13-B of the 1949 Act seeking ejectment of the petitioner from the shop located at Village Chogitti on the ground that she is a Non-Resident Indian and the tenanted premises is required for her bona fide necessity. The Rent Controller, after examining the record, has held that the petitioner has failed to make out a case for grant of leave to contest. Section 13-B of the Act enables a Non Resident Indian landlord or landlady to seek immediate possession of the tenanted premises on the ground of bona fide necessity.

On 04.11.2014 notice of motion was issued on the ground that the landlady does not fall within the definition of Non Resident

Indian and similar matter is pending before the Hon'ble Supreme Court. Learned counsel representing the petitioner very fairly admits that in view of the subsequent judgment of the Hon'ble Supreme Court, the aforesaid issue no longer survives. However, he submits that the respondent has produced a copy of the sale deed with respect to a residential house to prove her ownership whereas the property in dispute is a shop.

On careful reading of the order passed by the Rent Controller, it is evident that the Rent Controller after comparing the layout plan with the tenanted premises has found that the property in question is the same which was purchased by the landlady through a registered sale deed. The Court has further observed that from the description of the property given in the petition as well as from the layout plan embodies two plots as well as two shops and there is no dispute with regard to the identity of the property.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

02.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE