

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

CR-8363-2017 (O&M)

Date of decision: 23.05.2022

Prabhat Kishore Vohra (since deceased) through L.Rs

....Petitioners

Versus

Sukhwinder Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kartik Gupta, Advocate for the petitioners
 Mr. Munish Gupta, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

An application filed for grant of leave to defend, by the petitioners (tenants) in a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, (hereinafter referred to as 'the 1949 Act') has been dismissed. Section 13-B of the 1949 Act enables a Non Resident Indian to recover immediate possession of the residential building, scheduled building or a non residential building. This right is available only once in a lifetime. The Rent Controller has declined to grant the leave to defend after finding that the petitioners failed to put forth any plausible defence.

Heard the learned counsel representing the parties at length and with their able assistance perused the paper book. The learned counsel representing the petitioners while drawing the attention of the Court to the previous petition filed by Smt. Kulwinder Kaur with respect to the property in dispute claims that there is no landlord-tenant relationship between the respondent and the petitioners. He submits that a previous petition filed by Smt. Kulwinder Kaur under Section 13 of the 1949 Act was dismissed on 15th January 2010.

On the other hand learned counsel representing the respondent submits that the petitioner was inducted as tenant by Sh. Gian Singh. Subsequently Sh. Gian Singh transferred the property in favour of Sh. Mohinder Singh, who in turn transferred the property in favour of the four persons including Smt. Kulwinder Kaur and Smt. Sukhwinder Kaur. The respondent as a co-owner has stepped into the shoes of the landlord. Hence, he submits that the petitioner cannot claim that there is no landlord-tenant relationship.

While filing the application for grant of leave to defend the petitioner has himself asserted that he was inducted as a tenant by Sh. Gian Singh. The petitioner is one of the successor-in-interest on the basis of purchase made by Sh. Gian Singh. Therefore, there exists a landlord-tenant relationship. Section 13 B of the 1949 Act provides for the delivery of the immediate possession. The rent petition was filed in the year 2012. It is already 2022. 10 years have already elapsed. Hence, no ground to interfere is made out.

Dismissed.

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

23.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE