

**CR-1831 of 2019 (O&M)
and other connected case**

-1-

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

**CR-1831 of 2019 (O&M)
Date of decision:19.07.2022**

Parminder Kaur @ Mandeep Kaur **...Petitioner**

Versus

Jagjit Singh Sandhu **...Respondent**

CR-1832 of 2019(O&M)

Nitan **...Petitioner**

Versus

Paramjit Singh Sandhu **....Respondent**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Bikramjit Aroura, Advocate
for the petitioner.**

**Mr. Mukul Aggarwal, Advocate
for the respondent.**

ANIL KSHETARPAL, J (Oral)

These two revision petitions have been filed by the tenants challenging separate but identical orders passed by the Rent Controller while observing that the application for leave to defend by both the petitioners was beyond the time prescribed.

In both the cases, the landlord filed petitions under Section 13-B of the East Punjab Urban Rent Restrict Act, 1949, which enables the Non Resident Indian landlords to seek immediate possession of the property. In both the petitions, the tenants (petitioners herein) did not file an application for leave to defend within the period prescribed in the summons. In Civil Revision No.1831 of 2019, the petitioner was served with a notice on 08.02.2017. He appeared in the Court through counsel on 22.03.2017, but

filed an application for leave to defend on 28.03.2017. Thus, the petitioner failed to file an application within the prescribed time.

In Civil Revision No.1832 of 2019, the petitioner refused to accept the service of notice sent by the Court. He was served through Munadi (local publication) on 09.05.2017. He caused appearance before the court on 16.05.2017, whereas an application for leave to defend was filed on 30.05.2017. Even if the service of notice is taken as the date of carrying out the munadi, still the period for filing an application for leave to defend had already elapsed. Sub-section (4) of Section 18-A of the 1949 Act provides that once the tenants have failed to file an application seeking leave to defend within the prescribed period, then they shall have no right to contest the petition for eviction.

The learned counsel representing the respondent contends that in Civil Revision no.1832 of 2019, the period of 15 days shall be required to be counted from 27.04.2017, in view of the judgment passed in **Paramjit Singh vs. Amarjit Singh Walia and others, 2006 SCC OnLine P&H 1284.**

In view thereof, no ground to interfere is made out.

Dismissed.

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

July 19, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No