

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.4842 of 2009 (O&M)

Date of Order: 06.12.2023

Soni Lal @ Kala

.Petitioner

Versus

Shiv Dayal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

ANIL KSHETARPAL, J

1. The petitioner (tenant) has been ordered to be evicted by the Rent Controller while dismissing his application for leave to contest the petition filed by the landlord under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'). The correctness of the aforesaid order has been challenged in this revision petition.

2. Section 13-B of the 1949 Act, enables a 'Non Resident Indian' to seek immediate possession of the tenanted premises unless the tenant establishes by filing an application for leave to contest that he has a good ground to defend the case which may result in dismissal of the ejectment petition.

3. In this case, it has come on record that the landlord purchased the property in the year 1998. He went to Paris in the year 1986 and came back on 13.01.1993. Again he went to Paris in the year 1995 and came back on 27.06.2002. Since then, he is staying in India.

4. The respondent (landlord) prayed for delivery of possession as

he wants to run the business of 'readymade garments' on the suit property. The petitioner (tenant) filed an application for leave to contest which has been dismissed by the Rent Controller.

5. The learned counsel representing the petitioner submits that the Rent Controller has erred in refusing to grant leave to contest and he was required to be given an opportunity to prove his case.

6. This court has considered the submissions of the learned counsel representing the parties.

7. Section 18-A of the 1949 Act, lays down the procedure for the tenant to seek leave to contest. However, before such leave to contest is granted, the tenant is required to disclose such facts which would disentitle the NRI landlord to recover the possession of the property.

8. In this case, the Rent Controller has found that the petitioner failed to disclose such grounds. It has come on record that the respondent is unemployed after having returned to his country in the year 2002.

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

10. Dismissed, accordingly.

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

December 06, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO