

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

CR-5597-2017 (O&M)

Date of decision: 21.08.2023

Surender Kumar

..Petitioner

Versus

Parminder Singh

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gourav Bhayyia and
Mr. Hitesh Verma and
Mr. Akash Manocha, Advocates for the petitioner
Mr. Sandeep Jain and
Mr. Sachin Jain, Advocates for the respondent

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is a tenant who has been ordered to be evicted by the Rent Controller vide order dated 21.04.2017. The landlord's petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as '1949 Act') has been allowed by the Rent Controller. Section 13-B of 1949 Act is a special provision which enables the Non Resident Indians to immediately take back the possession, if they wish to come back to their home land. As per the provisions of the 1949 Act, the tenant is required to file an application for grant of leave to contest. In this case, said application filed by the petitioner has been dismissed by the Rent Controller.

2. Learned counsel representing the petitioner contends that neither the respondent has proved that he is a Non Resident Indian nor he has proved his ownership. He further contends that previously the respondent's mother has filed a petition, which was dismissed on 07.05.2010.

3. This Court has considered the submissions made by the learned counsel representing the parties. A perusal of the order shows

that the respondent while filing the petition produced a copy of the passport, which proves that the respondent is a British citizen. The respondent is originally from India. Hence, the respondent has produced the document to prove that he is a Non Resident Indian.

4. With regard the next argument of the learned counsel representing the petitioner qua his ownership, it may be noted that it has come on record that originally the property was owned by late Sh. Dalip Singh, the grandfather of the respondent. On his death, the property was inherited by Sh.Sohan Singh, the father of the respondent. After death of Sh.Sohan Singh, the property has been inherited by the respondent. The petitioner admits that his grandfather has taken the property on lease from Sh.Dalip Singh.Thus, there is no substance in the second argument.

5. The last argument of the learned counsel representing the petitioner is with reference to a previous petition filed by the respondent's mother. The same was decided in 2010 whereas this petition was filed in the year 2013. Moreover, the respondent is not claiming property from his mother.

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

7. Hence, dismissed.

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

21.08.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE