

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

**CR-6126 of 2017 (O&M)
Date of Order: 14.07.2023**

Manoj Kumar**.Petitioner****Versus****Dhyan Singh****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Samir Rathaur, Advocate,
for the petitioner.**

**Mr. Rajat Verma, Advocate, for
Mr. Vivek Kathuria, Advocate
for the respondent.**

ANIL KSHETARPAL, J

1. The petitioner herein is a tenant in possession of property in dispute. The respondent-landlord has filed a petition to seek his eviction under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'). An application has been filed by the petitioner to reject the petition at the threshold under Order 7 Rule 11 CPC on the ground that the respondent admits that the property is non-residential in nature and therefore the petition under Section 13-A of the 1949 Act is not maintainable. The Rent Controller after observing that as per the allotment letter, the premises in question was allotted for residential purpose, dismissed the application. This revision petition has been filed to challenge the aforesaid order passed by the Rent Controller.
2. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.
3. The learned counsel representing the petitioner (tenant) while

drawing the attention of the court to the reply filed by the landlord to the miscellaneous application submits that it is undisputed that the property is used for non-residential purpose.

4. This court has considered the submission.

5. Chandigarh is a planned city. In this case, a perusal of the allotment letters shows that the property was allotted for residential purposes. The attention of the court has not been drawn to any order passed by the Rent Controller or the competent authority permitting the change of usage of such building from residential to commercial. Moreover, at this stage, while deciding an application under Order 7 Rule 11 CPC, only contents of the rent petition are required to be examined.

6. With these observations, finding no merit, the revision petition is dismissed.

7. However, it shall be open to the Rent Controller to frame a distinct issue and finally adjudicate the dispute on the merits without being influenced by the observations made by this court.

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

July 14, 2023

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**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**:YES/NO
:YES/NO**