

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

CR-7075-2014 (O&M)

Date of decision: 10.08.2023

Punjab & Sind Bank and another

..Petitioners

Versus

Harbhajan Singh Dilawari

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. I.P.Singh, Advocate for the petitioners

Mr. R.S.Bajaj, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. In a petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, by a Non Resident Indian landlord, an application filed by the petitioner-Bank, for grant of leave to contest, has been dismissed by the Rent Controller.

2. Learned counsel representing the bank contend that the Rent Controller has not even adverted to or examined the grounds taken in the application for the grant of leave to contest. He submits that the Rent Controller has passed the order in a mechanical manner. He further submits that during the pendency of the petition under Section 13-B, the parties have entered into a settlement on 13.09.2011 before the Lok Adalat, with respect to a part of the premises, which proves that the requirement of the respondent (landlord) is not bonafide.

3. On the other hand, learned counsel representing the respondent submits that in the application for leave to contest, the

petitioner (Bank) did not seek leave to contest on the ground of settlement. Hence, such argument is not permissible.

4. This Court has considered the submissions made by the learned counsel representing the parties. The learned counsel representing the respondent has contended that the application for leave to contest does not contain the ground of the mutual settlement between the parties, however, from a perusal of the application for grant of leave to contest, it is evident that the Bank had sought leave to contest on more than one ground. In such circumstances, the Rent Controller was required to examine the same on the basis of the material.

5. The Rent Controller has failed to examine every ground, which was taken for grant of leave to contest. Hence, this Court is left with no choice but to set aside the order, while directing the Rent Controller to decide the application afresh, positively, within a period of 2 months, from today.

6. Disposed of.

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

10.08.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE