

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-9106-2017 (O&M)
Date of Order:18.12.2023

HARBANS LAL

.Petitioner

Versus

CHARANJIT SINGH (SINCE DECEASED) THROUGH HIS LRS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. Harinder Kumar Aurora, Advocate
for the responden.

ANIL KSHETARPAL, J

1. This revision petition has been filed by the tenant to challenge the correctness of the order passed by the Rent Controller on 27.11.2017. The petitioner has been directed to handover the vacant possession of the tenanted premises to the respondent within a period of two months from the date of order passed by the Rent Controller.

2. Originally, the respondent-owner filed a petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'), seeking eviction of the petitioner from the tenanted shop. Section 13-B of the 1949 Act is a special provision which enables the Non Resident Indian to seek immediate possession of the property on the ground of their bonafide requirement if they wish to come back. In this case, the respondent while filing the petition seeking eviction of the petitioner claimed that this property is required for respondent's personal needs, residence and is also required for his livelihood and for his

family members. The application filed by the petitioner for grant of leave to contest was dismissed by the Rent Controller, however, the High Court granted him leave to contest vide order dated 28.04.2015. Thereafter, the petitioner was permitted to produce his evidence. As already noticed, the Rent controller after the appreciation of the evidence on record, ordered petitioner's eviction.

3. On 22.12.2017, the matter was kept pending on the ground that the issue with respect to entitlement of British Passport Holder to file a petition under Section 13-B of the 1949 Act is pending in the Supreme Court. The learned counsel representing the petitioner admits that now the aforesaid issue has been decided.

4. However, he submits that the respondent-Charanjit Singh died on 22.06.2016 and the right to apply in respect of such a building shall be available only after a period of five years from the date of becoming the owner of such building therefore, his legal representatives do not fulfill the requirement as five years have not elapsed since they have become owners, before filing of the petition.

5. As per Section 13-B of the 1949 Act, the owner is entitled to file a petition only if he is owner of the premises for a period of five years before filing of the petition.

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

7. Admittedly, the petition filed by Sh. Charanjit Singh was maintainable. He has died only during the pendency of the revision petition. His legal representatives have come on record who are also his Class-I heirs.

Their requirement has already been pleaded in the original petition. Hence,

the legal representatives have not filed any new petition against the petitioner.

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

9 Dismissed.

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

December 18, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO