

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2449 of 2019 (O&M)****Date of Decision: 27.07.2023**

Jaidev Duggal

... Petitioner(s)

Versus

Narinderjit Kaur Anandpuri

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Ravish Bansal, Advocate
for the petitioner(s).Ms. Gagandeep Kaur, Advocate
for the respondent.**Anil Kshetarpal, J.**

1. The petitioner herein is a tenant. He has been ordered to be evicted by the Rent Controller. This revision petition has been filed to challenge the correctness of the order passed by the Rent Controller.

2. A petition under Section 13B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “the 1949 Act”) was filed by the respondent, who is a Non-Resident Indian. A special provision has been made under Section 13B of the 1949 Act for immediate delivery of the possession of the premises owned by a Non-Resident Indian who wishes to come back and settle in the country of his/her origin. This special right is available only after a period of five years from the date of becoming the owner and only once in the life time of such an owner. In this case, the petition was filed on 05.01.2013. Initially, the Rent Controller did not grant

the leave to contest, however, on the intervention of the High Court, the

Civil Revision No. 2449 of 2019 (O&M)

petitioner was granted the leave to contest. Thereafter, the Rent Controller, on the appreciation of evidence, found that the requirement of the landlady is bonafide as she wishes to open a Food Plaza in the building which consists of the tenanted premises and the adjoining portions.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

4. The learned counsel representing the petitioner contends that Nand Singh was the landlord who had let out the property to the petitioner. He submits that the petition, on behalf of the respondent-Narinderjit Kaur Anandpuri, was not maintainable. He further submits that the landlady is owner of the adjoining portions, but this fact was not disclosed in the petition.

5. On the other hand, the learned counsel representing the respondent submits that Nand Singh is the petitioner's father. In fact, initially, the property was under the ownership of Nand Singh who transferred the property in favour of his wife Smt.Parmeshwari Devi. Subsequently, the petitioner inherited the property after the death of Smt.Parmeshwari Devi. She further submits that while appearing in evidence, the respondent has disclosed that she is owner of the adjoining premises which is in possession of her nephews and they have evicted the premises in the year 2018.

6. This Court has considered the submissions while analyzing the arguments of the learned counsel representing the parties. A petition under Section 13B of the 1949 Act can only be filed by the owner. In the beginning, the petitioner may have been inducted by Nand Singh. However,

thereafter, the property was transferred by Nand Singh in favour of his wife and subsequently, the petitioner inherited the property from her mother. Smt.Parmeshwari Devi has also executed a Will in favour of the petitioner. In such circumstances, non-examination of Nand Singh in evidence will not make any difference, particularly, when the petitioner does not dispute that he was inducted as a tenant by Nand Singh, who, at the relevant time, was the owner.

7. As regards the second argument, it would be noted that the respondent, while appearing in evidence, has disclosed this fact. In such circumstances, an inadvertent mistake, if any, in the petition stands rectified.

8. Keeping in view the aforesaid facts and discussion, no ground is made out to interfere. Hence, the present revision petition is dismissed.

9. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 27, 2023
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No