

2024:PHHC:042984

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

CR-3097-2017 (O&M)
Date of decision: 20.03.2024

Kusum Lata and others

....Petitioners

Versus

Balwinder Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Aditya Dassaur, Advocate for the petitioners

Mr. Y.P.Khullar, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is the tenant. He was ordered to be evicted in a petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949, on 16.07.2008. In execution of the aforesaid eviction order, the possession was taken from the petitioner. Subsequently, the tenant filed an application on the ground that the landlord has failed to utilize the property, therefore, he has right of re-induction. The same was allowed vide an ex-parte order dated 12.05.2014. On an application filed by the landlady under Order IX Rule 13 of the Code of Civil Procedure, 1908, the ex-parte order passed on 12.05.2014 has been set aside. The correctness of the same has been challenged in this revision petition. Learned counsel representing the petitioner submits that the landlady claims knowledge from the person, who was residing in H.No.76, Water Works, Wazirabad, Delhi where the landlady's son Jasvir was previously residing. He submits that the respondent has failed to prove that she came to know of the ex-parte order from the aforesaid person.

2. This Court has considered the submissions made by the learned counsel representing the parties.

3. It is evident that the Rent Controller has recorded various reasons to set aside the ex-parte order dated 12.05.2014. It has been noticed by the Rent Controller that the landlady never resided in H.No.76, Water Works, Wazirabad, Delhi. Previously her son used to reside, however, he also shifted to plot no.38-B, Y.P.Block, Pitampura, Delhi. The landlady came to India on 12.01.2012 and left for Canada on 27.06.2012. Thereafter, she came back to India only on 11.11.2014. It was also held that the newspaper Daily Bhaskar has no circulation in Canada.

4. The Rent Controller has given cogent reasons to set aside ex-parte order while granting permission to the landlady to contest the application. The order is not proved to be suffering from any substantive error.

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

6. Hence, dismissed.

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

20.03.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE