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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7060-2024
Date of decision : 09.12.2024

Surinder Singh Joshi

... Petitioner

Versus

Jessica Dhillon

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Petitioner in person.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 226/227 of the Constitution of India for setting aside the impugned order dated 21.11.2024 (Annexure P-2) passed by the District Judge, Chandigarh.
2. Petitioner appearing in person has submitted that in the present case, two petitions have been filed. One petition has been filed by the respondent Jessica Dhillon under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be referred as “the Rent Act”) as amended up to date and extended to the UT Chandigarh for ejectment / eviction of the present petitioner-tenant from the Ist Floor of H.No.10, Sector 8-A, Chandigarh and the second petition has been filed by the respondent along with three other persons for eviction of the present petitioner from the same premises under Section 13 of the East Punjab

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filed an application for transferring both the cases to the same Court but the said application had been dismissed vide order dated 21.11.2024, which order has been challenged by the petitioner in the present petition. It is further submitted that it will be convenient to both the parties if both the cases are decided by the same Court and thus, prayed that the application filed by the petitioner be allowed and the impugned order dated 21.11.2024 be set aside and both cases be heard by the same Court.

3. This Court has heard the petitioner in person and has gone through the record and finds that the present petition is meritless and deserves to be dismissed and the impugned order dated 21.11.2024 is in accordance with law and deserves to be upheld.

4. The rent petition no.156 of 2023 (Annexure P-5) has been filed by respondent Jessica Dhillon against the present petitioner under Section 13-B of the East Punjab Urban Rent Restriction Act as amended upto date and extended to the UT Chandigarh vide notification dated 09.10.2009. The said petition has been filed on the plea that the respondent Jessica Dhillon is an NRI and has been a co-owner of the premises in question for a period of 5 years from the date of transfer of property. It has further been stated that the respondent has not availed the remedy of Section 13-B of the Rent Act earlier and since the respondent fulfills the necessary ingredients of the provision of Section 13-B, thus, has prayed for eviction.

5. The rent petition no.202 of 2023 has been filed by four persons including the present respondent. Thus, three additional persons have filed the said petition. Moreover, the said petition has been filed under Section 13

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of the East Punjab Urban Rent Restriction Act and the ground for eviction has been detailed in paragraph 8 of the said eviction petition, which is non-payment of rent w.e.f. October 2015 at the rate of Rs.8000/- per month.

6. The District Judge, Chandigarh, in the impugned order dated 21.11.2024 had rightly observed that although the tenanted premises in both the cases are same but the cause of action in both the petitions are different as one rent petition was filed under Section 13-B of the Rent Act giving right of eviction to the NRI landlord whereas the other has been filed under Section 13 of the Rent Act on the ground of non-payment of arrears of rent. It has further been rightly observed that the procedure to be adopted in both the petitions are completely different inasmuch as in the petition under Section 13-B of the Rent Act, the case is to be decided summarily whereas the petition under Section 13 of the Rent Act is to be decided in its normal course and thus, the question of there being any common ground or any conflicting orders passed in the said proceedings does not arise. It has further been rightly observed that the proceedings under Section 13-B of the Rent Act being summary in nature would normally conclude much prior to the proceedings under Section 13 of the Rent Act and that the present petitioner has failed to point out any common and joint issue in both the cases.

7. It would also be relevant to note that the District Judge vide order dated 21.11.2024 had also specifically noticed that the respondent herein had opposed the transfer application by stating that both the petitions are completely different and the said fact has been noticed in paragraph 2 of



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the said order and thus, argument raised by the petitioner to the effect that the said transfer would be for convenience of both the parties has been opposed by the respondent.

8. Under Section 13-B, the right to recover immediate possession of residential building or scheduled building and/or non-residential building is to accrue to a Non-resident Indian in case the said person fulfills the ingredients of the said provision. Under the East Punjab Rent Restriction Act 1949, a special procedure for disposal of the application under Section 13-B has been incorporated and the said procedure has been detailed in Section 18A of the 1949 Act. The same provides for summary procedure and as per the said procedure, the tenant is required to file an application to contest the prayer for eviction and in case the said application is rejected, then the eviction is to follow. On the other hand, for the eviction under Section 13, no such special procedure as enshrined under Section 18-A is to be followed.

9. Keeping in view the abovesaid facts and circumstances, this Court finds that the impugned order dated 21.11.2024 passed by the District Judge, Chandigarh, dismissing the application under Section 24 CPC filed by the petitioner, is in accordance with law and present petition being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

December 09, 2024.
Davinder Kumar