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

CR-392-2025

Date of decision:-22.01.2025

Narinder Kumar

...Petitioner

Versus

Gurpreet Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Shehbaz Thind, Advocate
for the petitioner.

Mr. Kanwaljit Singh, Senior Advocate with
Mr. Sherry K. Singla, Advocate and
Mr. K.S. Brar, Advocate
for the respondent/caveator.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Article 227 of the Constitution of India for setting aside of order dated 19.12.2024 (Annexure P-5) whereby Rent Authority, Ludhiana has partly rejected the application for amendment of application under Section 38 (7) (c) of Punjab Rent Act, 1995 (for short '1995 Act') filed by the petitioner.
2. The respondent, who is an NRI, has filed a petition before Rent Authority seeking eviction of the petitioner from the commercial property. As per 1995 Act, a person who is a NRI can seek eviction from his residential or commercial property if he wants to settle in India and such a petition has to be decided expeditiously. The tenant can put forth his defence after seeking leave to defend.

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3. Petitioner has filed an application, Annexure P2, seeking leave to defend, inter alia, asserting that respondent owns a number of properties which he has failed to disclose and that there is no relationship of landlord – tenant between the parties. Before adjudication of application seeking leave to defend, petitioner filed another application, Annexure P3, seeking amendment of application for leave to defend. Rent Authority by impugned order, has partly declined application of the petitioner seeking amendment.

4. Mr. Shehbaz Thind, Advocate states that no prejudice is going to be caused to respondent if present petition is accepted. He submits that in the application seeking leave to defend, petitioner had pointed out that he is trying to find out details of property of the landlord.

5. Notice of motion.

6. Mr. Sherry K. Singla, Advocate, who on advance notice is present in Court, accepts notice on behalf of respondent and waives service.

7. With the consent of both the parties, the matter is taken up today itself for final disposal.

8. Counsel for the parties are ad-idem that Rent Authority may be directed to decide application of the petitioner seeking leave to defend on or before 15.02.2025 and it may consider additional facts brought by petitioner in his application seeking amendment.

9. Petition is disposed off in the wake of statement of both sides with a request to Rent Authority to decide application of petitioner



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seeking leave to defend by 15.02.2025.

22.01.2025

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**(SUVIR SEHGAL)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No