



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(126)

CR No. 2996 of 2026 (O&M)

Date of Decision : 07.04.2026

Harpreet Singh

...Petitioner

Versus

Dr. Parneet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Harvinder Singh Maan, Advocate for the petitioner.

Mr. Parneet Singh Sohi, Advocate for the respondent-Caveator.

Amarinder Singh Grewal, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India seeking to set aside/quashing the impugned order dated 23.02.2026 passed by the learned Rent Controller, Chandigarh, whereby application filed by petitioner/tenant seeking leave to defend the eviction petition filed by the respondent/landlord under section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'), was dismissed.

2. The present civil revision has been filed by the petitioner-tenant challenging the order dated 23.02.2026 passed by the learned Rent Controller in Rent Petition No. RC/187/2023, whereby the application seeking leave to defend the eviction petition filed by the respondent-landlord under Section 13-B of the 1949 Act was dismissed and, consequently, the eviction petition was allowed. The respondent-landlord, claiming to be a



Non-Resident Indian and owner of the demised premises bearing Flat No. 1257/2, Sector 43-B, Chandigarh, had sought eviction on the ground of personal necessity, asserting that the premises had been let out to the petitioner for a limited period under a rent agreement dated 30.04.2021. The petitioner, in his application for leave to defend, denied the relationship of landlord and tenant and pleaded that the property had already been agreed to be sold to him vide agreement to sell dated 07.12.2019, pursuant to which possession had been delivered and part consideration paid. The said plea was controverted by the respondent by denying execution of any such agreement and alleging the documents to be forged. The learned Rent Controller, upon consideration of the material on record, held that no bona fide triable issue was made out and dismissed the application for leave to defend, resulting in the passing of the eviction order against the petitioner.

3. Learned counsel for the petitioner submits that the impugned order dated 23.02.2026 passed by the learned Rent Controller is liable to be set aside as the same is arbitrary, contrary to the facts on record and not sustainable in the eyes of law, inasmuch as the application seeking leave to defend has been dismissed without proper appreciation of the material placed on record. It is contended that the learned Rent Controller has failed to consider that the petitioner had specifically pleaded that no rent agreement was ever executed between the parties and that possession of the property had been handed over to him on 07.12.2019 pursuant to an agreement to sell, along with payment of part consideration, which is supported by receipts duly signed by the respondent. It is further submitted that the findings recorded by the learned Rent Controller to the effect that the respondent was



not present in India on the date of execution of the agreement to sell, involve disputed questions of fact which could only be adjudicated upon evidence during trial. It is also contended that the learned Rent Controller has erred in holding that no triable issue arises, despite the petitioner having raised a specific plea that the relationship of landlord and tenant does not exist between the parties, thereby disentitling the respondent from invoking the provisions of Section 13-B of the 1949 Act. It is thus submitted that the impugned order has been passed without considering the true facts and legal position and is liable to be set aside.

4. Notice of motion.

5. Mr. Parneet Singh Sohi, Advocate appears and accepts notice on behalf of the respondent.

6. Learned counsel for the respondent submits that the impugned order dated 23.02.2026 does not suffer from any illegality, as the petitioner has failed to disclose any bona fide triable issue. It is contended that the respondent is a Non-Resident Indian and owner of the demised premises and is entitled to seek eviction under Section 13-B of the 1949 Act. It is further submitted that the alleged agreement to sell relied upon by the petitioner is false and fabricated as the respondent was not even present in India on the date of its alleged execution. It is argued that no registered sale deed has been executed and the relationship of landlord and tenant continues to subsist between the parties. Learned counsel thus submits that the defence raised by the petitioner is sham and illusory, and the learned Rent Controller has rightly dismissed the application for leave to defend and allowed the eviction petition. Reliance is placed on Judgement rendered by Hon'ble



Supreme Court in *State of Andhra Pradesh and another Vs T. Suryachandra Rao 2005 (6) S.C.C 149* and judgements rendered by this Court in *Ashwani Kumar Vs Sandeep Kaur 2021 AIR CC 78* and *Neena and Another Vs. Lal Chand Sidhu and Others 2015(5) RCR(Civil) 421*.

7. I have heard learned counsel for the parties and carefully perused the paper book.

8. A perusal of the record reveals that earlier the petitioner had filed an application for condonation of delay in filing the application seeking leave to defend, which was dismissed by the learned Rent Controller vide order dated 12.02.2024. The said order was upheld by this Court in CR No. 2039 of 2024 vide order dated 04.04.2025.

9. Dissatisfied with the same, the petitioner challenged the order dated 04.04.2025 passed in CR No. 2039 of 2024 before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India set-aside the order of the Hon'ble High Court and remitted the matter to learned Rent Controller to decide the application seeking leave to defend on merits as early as possible.

10. Pursuant thereto, the petitioner again filed an application for leave to defend the eviction petition filed by the respondent under Section 13-B of the 1949 Act. Reply thereof was taken from the respondent and the learned Rent Controller after hearing the respective counsel for the parties, dismissed the application of the petitioner.

11. It is evident that the application seeking leave to defend the eviction petition was filed and even the affidavit was given before the learned Rent Controller. As required under Section 18-A(5) of the 1949 Act,



the affidavit does not disclose specific facts which would disentitle the landlord from seeking eviction. The material assertions have primarily been made in the application and not substantiated in the affidavit in the manner required by law.

12. The scope of interference in the present revision is confined to examining whether the impugned order passed by the learned Rent Controller suffers from any patent illegality or perversity in declining leave to defend. A perusal of the impugned order reveals that the learned Rent Controller has duly considered the pleadings as well as the affidavit filed by the petitioner and has recorded a categorical finding that no bona fide triable issue arises for consideration. The defence set up by the petitioner is founded upon an alleged agreement to sell dated 07.12.2019 and payment of part consideration, which has been specifically denied by the respondent. The learned Rent Controller has taken note of the material placed on record and has found that the same does not substantiate the defence so as to dislodge the relationship of landlord and tenant. The finding so recorded cannot be said to be either perverse or contrary to the record.

13. It is settled that in proceedings under Section 13-B of the 1949 Act, the tenant is required to disclose such facts as would disentitle the landlord from obtaining an order of eviction, and the grant of leave to defend is not to be made as a matter of course. In the present case, the petitioner has failed to place on record any such material which would give rise to a bona fide triable issue. The plea sought to be raised, in the face of a specific denial by the respondent, has rightly been found to be insufficient by the learned Rent Controller. No jurisdictional error or material irregularity is made out



warranting interference in exercise of revisional jurisdiction.

14. Consequently, finding no merit in the present revision petition, the same is dismissed.

15. Pending miscellaneous application, if any, also stands disposed of.

April 07, 2026
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No