



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

(115)

CR-9743-2025 (O&M)
Date of Decision:-**14.01.2026**

KOMAL

... Petitioner

Versus

GURPREET SINGH AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

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

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has approached this Court under Article 227 of the Constitution of India, invoking its inherent and supervisory jurisdiction, assailing the order dated 27.11.2025 (Annexure P-4) passed by the learned Rent Controller, Ludhiana. The impugned order is manifestly arbitrary and is prejudicial to the petitioner, inasmuch as it summarily rejected the application filed by the petitioner and the proforma respondent for summoning of the records and documents imperative for the adjudication of the application for '*leave to defend*'. The petitioner submits that such documents are material and vital for a fair, just, and equitable determination of the proceedings, and their exclusion amounts to a denial of natural justice. In exercise of its supervisory jurisdiction, this Court is humbly prayed to issue a direction to the learned Rent Controller to reconsider and adjudicate the application for leave to defend afresh, strictly in accordance with law,



taking into due account all relevant documents and records necessary for rendering a proper, reasoned, and just decision.

2. Preliminarily, it may be stated that the respondent/landlord filed a petition under Section 24(3) of the Punjab Rent Act, 1995 (for short '**the Act**'), seeking eviction of the petitioner and the proforma respondent on the ground of *bona-fide* personal necessity, and further claiming that the respondent/petitioner is a Non-Resident Indian (for short '**NRI**'). The petitioner, upon diligent inquiry, discovered that the respondent has deliberately concealed ownership and possession of several commercial properties situated within the municipal limits of Ludhiana. In furtherance of full disclosure, the petitioner had requested the respondent to furnish details of other tenants; in consequence, the petitioner filed an application for leave to defend, raising substantial and triable issues which cannot be adjudicated in a summary manner.

2.1. During the pendency of the said application, the petitioner filed an application for summoning relevant documents and judicial records necessary for a fair, effective, and informed adjudication of the matter. The purpose of the application was to demonstrate that the respondent has concealed multiple commercial properties, the existence of several pending and decided litigations relating thereto, and jurisdictional defects going to the root of the maintainability of the eviction petition. Notwithstanding the materiality of such documents for the proper determination of the application for leave to defend, the learned Rent Controller dismissed the said application by the impugned order.



2.2. The impugned order is thus assailed on the grounds that it has caused grave prejudice to the petitioner, materially impaired the petitioner's right to defend the eviction petition, and has resulted in a denial of natural justice, thereby warranting interference in exercise of the supervisory jurisdiction of this Court.

3. I have heard the learned counsel appearing on behalf of the petitioner at length and with attention, and have carefully perused the record and the documents placed on file.

4. Learned counsel appearing on behalf of the petitioner submitted that the impugned order is unsustainable in law. It was contended that the learned Rent Controller has failed to exercise the jurisdiction vested in it under the statute. The petitioner emphasized that the records sought to be summoned are indispensable for the proper adjudication of the application for leave to defend, and that their production before the decision of the said application is necessary to enable a fair, just, and informed determination of the issues raised therein.

5. A perusal of the impugned order reveals that the learned Rent Controller has declined the application, recording observations in paragraph No.8 of the said order, which are extracted hereunder for reference:-

“8. Applicant/respondent has not filed any affidavit stating therein that the said litigation are pertaining to the property in question. Moreover, this Court is of the view that the present application is even not legally maintainable because the provisions of Punjab Rent Act, 1995, prescribe a procedure meant for Court of small causes to be followed by the Rent Authority. The Hon'ble Punjab and Haryana High Court in a case titled as *M/s A.R. Venture Vs. M/s Roop Square Pvt. Ltd 2021(2) RCR (Rent)* at para No.11 has pleased to held that, "**Punjab**



Rent Act - restricts the filing of applications before the Rent Authority only to the ones as are prescribed in the schedule to the Act. Hence, no further applications, except as prescribed in the schedule; or as envisaged by other Sections like Section 38(7)(b) is to be entertained by the Rent Authority". Hence, in view of the aforesaid discussion, this Court is of the view that the present application is legally not maintainable and has been filed just to delay the matter in issue. Therefore, the same stand **dismissed**. Now to come upon 09.12.2025 for arguments on an application under Section 38(7)(c) for the grant to leave to defend, subject to last and final opportunity. It is made clear that if arguments are not advanced, then Court shall decide the application by going through the record available on the file."

6. During the course of arguments, this Court inquired from the learned counsel for the petitioner as to the relevance of the records sought to be summoned. In response, the learned counsel contended that the respondent/petitioner had previously availed the benefit of provisions of Section 24(3) of the Act, and submitted that the benefit of this provision could be claimed only once in a lifetime.

6.1. However, the learned counsel was unable to point out any specific averments in the application filed by the petitioner seeking the summons of records that supported this contention. Subsequently, he submitted that this ground had been raised in the application for leave to defend, yet again, he could not identify any such averment in the said application.

6.2. It is pertinent to note that Section 24(3) of the Act, is a special statutory provision granting a concession to NRIs to seek possession of one



property in their lifetime for *bona fide* personal necessity. The applicability of this provision is independent of ownership of any other property. Consequently, the fact that the respondent owns other properties, or that there are pending or decided litigations in respect thereof, cannot be deemed relevant for the purpose of adjudicating the application for leave to defend.

7. Upon a comprehensive consideration of the submissions urged by learned counsel for the petitioner, this Court is unable to discern any merit in the present revision petition. The learned Rent Controller has correctly declined to exercise the jurisdiction vested in it, the application itself reflecting a manifest intent to protract the adjudication of the rent proceedings. In these circumstances, no case is made out warranting interference in the limited revisional jurisdiction of this Court. Consequently, the revision petition stands dismissed.

8. However, the observations made here-in-above shall not be construed as an expression on the merits of the case. They are confined solely to the adjudication of the present controversy.

9. Since the main case has been adjudicated and stands disposed of, all pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

14.01.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No