

(2014) 05 P&H CK 0267

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 3739 of 2014 (O&M)

Pawan Kumar

APPELLANT

Vs

Gurcharan Singh

RESPONDENT

Date of Decision: May 27, 2014**Hon'ble Judges:** Bharat Bhushan Parsoon, J**Bench:** Single Bench**Advocate:** Sandeep Chopra, Advocate for the Appellant**Final Decision:** Dismissed

Judgement

Dr. Bharat Bhushan Parsoon, J.

Order dated 9.4.2014 passed by the Rent Controller, Patiala rejecting the application moved by the tenant-respondent (now petitioner) for leave to defend the petition preferred by the landlord u/s 13A of the East Punjab Urban Rent Restriction Act, 1947 (hereinafter referred to as the Act), has been impugned by the petitioner in this civil revision petition.

2. It is claimed that the petition u/s 13-A of the Act does not conform to the statutory requirements and thus, should not have been entertained. It is also claimed that the Rent Controller without satisfying compliance of the provisions of Section 13-A of the Act, firstly, entertained the petition and when application to defend the petition was filed by the tenant, the said application was also rejected without any sound basis.

3. Hearing has been provided to the counsel for the petitioner while going through the paper book.

4. Perusal of the impugned order reveals that not only provisions of Section 13-A of the Act have duly been kept in view by the Rent Controller but even the points taken by the petitioner-tenant for seeking leave to defend the petition have been discussed in detail. The landlord has retired from service regarding which he has produced a certificate issued by the competent authority showing that he is covered

under the Act and was discharging his duty on a post in connection with the affairs of the Union of India. There is further affidavit of the landlord that he did not own and possess any suitable accommodation in the local area. The petition u/s 13-A of the Act has been moved within one year of his retirement by the petitioner in compliance with the statutory provisions.

5. Though the tenant had come up with the plea that there are other properties of the landlord which were not disclosed by him, but no details were furnished by the tenant regarding those alleged properties and only vague averments were made which were considered to be not sufficient by the Rent Controller to dislodge the claim of the landlord u/s 13-A of the Act.

6. The tenant in the application seeking leave to defend the petition u/s 13-A of the Act filed by the landlord has taken a general and vague stand disputing the claim made by the landlord whereas the tenant was required to prove these facts by substantial material and relevant documents by annexing such documents alongwith his affidavit.

7. The Rent controller by referring to Surjit Singh Versus Harbans Singh 1991(1) RCR (Rent) 292 (P&H) and discussing all the pleas of the tenant has rightly come to a conclusion that the tenant has failed to comply with the provisions of the Act. Rather, the petition u/s 13-A of the Act by the landlord has been found to be in order and fully in compliance with the provisions of the Act.

8. Keeping in view the totality of above facts and circumstances, by affirming the impugned order, this civil revision petition, being without any merit, is dismissed.