
(2014) 09 P&H CK 0174

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 4642 of 2013 in C.O.C.P. No. 1169 of 2014

Palwinder Singh

APPELLANT

Vs

Paramjit Kaur Dhillon

RESPONDENT

Date of Decision : 22-09-2014

Acts Referred:

East Punjab Urban Rent Restriction Act, 1949 — Section 13-B, 18-A

Citation : (2015) 177 PLR 768 : (2015) 2 RCR(Civil) 557 : (2015) 1 RCR(Rent) 409

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : M.S. Bajwa, Advocates for the Appellant; Ritesh Pandey, Advocates for the Respondent

Judgement

Rakesh Kumar Jain, J.—This order shall dispose of two petitions bearing C.R. No. 4642 of 2013, titled as Palwinder Singh v. Paramjit Kaur Dhillon, and COCP No. 1169 of 2014, titled as Palwinder Singh v. Paramjit Kaur Dhillon. In brief, the petitioner is a tenant in shop No. 157 owned by respondent-landlord, who had filed an application under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (in short "the Act") for seeking eviction of the tenant on the ground of personal necessity.

2. The service was effected upon the petitioner on 16.12.2011 but he filed an application under Section 18-A of the Act on 03.01.2012. The Rent Controller dismissed his application seeking leave to contest, inter alia, on the ground that the application was filed beyond the mandatory period of 15 days. The Court relied upon judgment of the Hon'ble Supreme Court titled as Om Prakash Vs. Ashwani Kumar Bassi, in support of its decision that the stipulated period of limitation in the Act cannot be extended in any case.

3. The petitioner has filed the present Civil Revision in this Court in which notice of motion was issued on 28.10.2013 and the parties were directed to maintain status quo with regard to possession of the property. According to the petitioner,

the respondent-landlord tried to interfere in his possession, therefore, he filed COCP No. 1169 of 2014 in which no notice was issued and has been ordered to be listed along with the present revision petition. That is how the contempt petition is being decided along with this revision petition.

4. Learned counsel for the petitioner has submitted that the landlord is the owner of two shop Nos. 157 and 158. She had also filed ejectment petition under Section 13-B of the Act in respect of shop No. 158 against Satnam Singh which has been allowed. Therefore, in view of the provisions of the Act, the landlord cannot file another application under Section 13-B of the Act as the application under Section 13-B of the Act can be filed only once. It is submitted that since the petition filed against Satnam Singh is earlier in time, therefore, petition filed against the present petitioner was barred.

5. On the other hand, learned counsel for the respondent has argued that all these facts cannot be looked into at this stage because the application to leave to contest has been dismissed by the Court below on the ground of delay. It is submitted that if the application was filed within the stipulated time then the matter would have been different, but once it has been dismissed after expiry of period of limitation, all the issues raised by the learned counsel for the petitioner have become meaningless.

6. Learned counsel for the petitioner has, however, vehemently argued that after the service of notice for 16.12.2011, he had engaged counsel on 19.12.2011 for the purpose of filing application, but somehow the delay of two days have occurred in filing of the application which is not deliberate. It is submitted that he was not aware about the provisions of law, therefore, could not be penalised for such a small issue. He has further submitted that the respondent has committed a contempt of the order of this Court as she tried to interfere in his possession.

7. In this regard, learned counsel for the respondent has submitted that neither she has interfered nor violated the order of this Court.

8. After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that both the petitions are liable to be dismissed because in the eviction petition filed by the landlord under Section 13-B of the Act, the petitioner could file an application under Section 18-A of the Act within 15 days which is admittedly beyond the period of limitation. The said delay in filing the application cannot be condoned in any manner, as held by the Supreme Court in Om Parkash's case (supra).

9. Thus, the present revision is hereby dismissed.

10. In so far as, contempt petition is concerned, the respondent has made a statement that neither she had interfered nor violated the order of this Court nor intended to disobey, rather would take steps in accordance with law. In view thereof, the contempt petition has become infructuous and is dismissed as such.