

(2011) 03 P&H CK 0285

In the Punjab And Haryana At Chandigarh

Case No : C.M. No's. 2411-12 CII of 2011 and Civil Revision No. 1743 of 2007

Punjab National Bank and Another

APPELLANT

Vs

Sudarshan Kumar Rana

RESPONDENT

Date of Decision : 14-03-2011

Acts Referred:

East Punjab Urban Rent Restriction Act, 1949 — Section 13B, 18(4)

Citation : (2011) 03 P&H CK 0285

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—Punjab National Bank is litigating with a N.R.I., who has sought the eviction of the Bank from his premises rented out to Bank. The Rent Controller had directed ejectment of the Petitioner-Bank, against which the Bank had filed revision. The Bank is seen fighting hard to retain a rented property, unmindful of the fact that Bank is a public institution but is behaving like a normal contentious tenant to retain property taken on rent.

2. The revision petition was dismissed for non-prosecution on 7.7.2010 and so the application has now been filed after a delay of 172 days not only for recall of the order dismissing the revision in default but for condoning the delay in making the said approach. Considering the fact that the Bank still has been able to retain possession of the rented property for nearly over a year despite the order standing against it, the Court was not inclined to recall the order dated 7.7.2010. It may need a notice that order of ejectment has been passed on 5.3.2007 but still Bank has been able to retain possession of the property.

3. Counsel for the Petitioners pleaded that due to an inadvertent miss on his part, the impugned order came to be passed. Considering this fact, it is considered appropriate to recall the order dated 7.7.2010 by condoning the delay in making the approach. By recalling the order, the revision is restored to its

original position and the counsel for the Petitioners is given time to make submissions on merits.

4. The main submissions, which the Counsel have advanced, are that the need of the Respondent-NRI was not bonafide and that he had negotiated with the Bank for enhancement of rent but had subsequently backed out, which would impliedly show that personal need was not genuine.

5. This is a case where Respondent-NRI had filed an application u/s 13B of the East Punjab Urban Rent Restriction Act (for short, "the Act"). In response, the Petitioner-Bank had filed an application u/s 18(a)(4) of the Act, seeking permission to contest the ejectment application. The pleas that were raised by the Petitioners were that Respondent alone was not the owner and the lease deed had been entered into by number of persons. In this context, it was stated that there is no averment as to how the Respondent alone has become owner. The genuineness of the Respondent being an NRI was also pleaded.

6. The Rent Controller had considered all these pleas. All these pleas have now not been pressed before me except the two, which are noted above in earlier part of the order.

7. Merely because the Respondent was negotiating with the Petitioners for enhancement of rent can not be of any consequences and this plea was considered by the Rent Controller and rightly was not found sufficient to grant the Petitioners to leave to contest. Even the bonafide need of the Respondent was considered and the Rent Controller observed that the Respondent has specifically pleaded that he wanted to return to India and required the premises for his own use and occupation. Reliance in this regard was placed on the case of Baldev Singh Bajwa Vs. Monish Saini, , where it is observed that the landlord need not return to India permanently to get benefit of Section 13B of the Act. A person, who is staying outside India, can claim possession u/s 13B of the Act.

8. Accordingly, I do not find any merit in any of the pleas raised and the Rent Controller had rightly declined the application of the Bank to seek right to contest.

9. The revision petition, therefore, is dismissed.