

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

104

2025:PHHC:024626



**CR-2825-2012 (O&M)
Date of decision: 20.02.2025**

DINESH KUMAR

..Petitioner

Versus

AMRIT KAUR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Piyush Kant Jain, Advocate
for the petitioner.

Mr. Manjot Singh, Advocate
for Mr. Vishal Aggarwal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The present revision petition has been filed to assail the correctness of petitioner's (tenant's) eviction from the tenanted shop. The main objection of the counsel for petitioner is with respect to the jurisdiction of the Rent Controller to entertain petition under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949 (in short '1949 Act'). The respondent's counsel disputes the aforesaid position. He submits that in this case, leave to contest was granted to the petitioner. The petitioner was permitted to lead evidence and thereafter, eviction order was passed by the Court of Rent Controller.

2. As per the scheme of '1949 Act', the landlord has remedy to seek eviction of a tenant from residential or commercial premises under Section 13 of the '1949 Act'. An additional remedy has been given to the specified landlords to seek immediate eviction of the tenant from residential premises. Under Section 18 A of the '1949 Act', the tenant has been given liberty to file an application for leave to contest. Once the application is



allowed, the nature of proceedings in both the petitions i.e. under Section 13 or 13-A of the '1949 Act' are same.

3. In this case, the petitioner's application for leave to contest was allowed and therefore, a regular trial took place. The landlord filed a petition seeking eviction of the tenant on 02.04.1999. It has been nearly 26 years. At this stage, in the interest of justice, it will not be appropriate to knock off the landlord's petition only on a technical objection.

4. Keeping in view the aforesaid facts, the eviction order passed by the Rent Controller shall be treated as an order passed in a petition filed u/s 13 of the '1949 Act', against which appeal is maintainable before the Appellate Authority. The tenant is granted an opportunity to file appeal before the Appellate Authority within a period of 30 days, from today, which shall be decided within a period of next six months.

5. With these observations, the petition is disposed of.

6. The parties through their learned counsel are directed to appear before the Appellate Authority on 05.03.2025.

7. Till then, the petitioner's dispossession shall remain stayed, subject to payment of amount of mesne profits, which the Appellate Authority may fix in accordance with law.

8. All the pending miscellaneous applications, if any, are also disposed of.

February 20th, 2025

Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*