

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****CR-3581-2025 (O&M)
Date of decision: 01.07.2025****Sukhjit Singh****...Petitioner(s)****Vs.****Anil Kumar****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.***********NIDHI GUPTA, J.**

The present Civil Revision Petition has been filed by the petitioner/landlord against impugned order dated 13.02.2025 passed by learned Civil Judge (Junior Division), Amritsar, whereby application filed by the respondent/tenant under Section 18-A for seeking leave to defend, has been allowed.

2. Brief facts of the case are that in November 2022 the petitioner had filed a petition under Section 13-B of East Punjab Urban Rent Restriction Act (hereinafter referred to as "Act") seeking ejection of the respondent/tenant from the demised premises on the ground of bonafide personal necessity. The respondent/tenant had filed application dated nil (Annexure P-2) under Section 18-A of the Act seeking leave to defend to contest the rent application filed by petitioner/landlord. The petitioner had filed reply (Annexure P-3), to the said application for leave to defend. Vide the impugned order dated



13.02.2025, application of the respondent/tenant seeking leave to defend has been allowed.

3. Learned counsel for the petitioner submits that a perusal of the leave to defend application (Annexure P-2), shows that no triable issue has been raised by the respondent in his application for which evidence is required to be led. As such, learned Rent Controller could not have allowed the respondent's application for leave to defend. It is submitted that by virtue of petition under Section 13-B of the Act, petitioner is entitled to recover immediate possession of the demised property if the same is required for his personal use. However, in allowing the respondents application, the said right of the petitioner is curtailed. It is accordingly prayed that the present Civil Revision Petition be allowed; and the impugned order dated 13.02.2025 be set aside.

4. No other argument is made by Id. counsel for the petitioner.

5. Heard learned counsel and perused the case file in great detail.

6. Perusal of the record of the case shows that it is undisputed that respondent was inducted as a tenant with delivery of possession in the demised shop in the year 1990 by Ranjit Singh, father of the present petitioner. After the demise of Ranjit Singh, admittedly respondent has been paying rent to the petitioner since April 2015. It is the own case of the petitioner that he is settled in the United States of America and holds a Permanent Resident Card since 18.05.1999. It has been submitted by the petitioner that the application for leave to defend filed



by the respondent raises no triable issue. However, a perusal of the said application (Annexure P-2) reveals that the respondent has clearly and categorically disputed the claim of the petitioner that the demised shop is required by the petitioner for his own personal use and occupation. The respondent has also pointed out in para 3 of the said application that respondent is not the direct tenant under the petitioner as alleged in the ejectment petition. Respondent has further stated that petitioner and his family members own, possess and have inherited other commercial properties from Ranjit Singh including 5 shops.

7. Clearly therefore, the veracity of all the above said assertions made by the respondent in his application for leave to defend can only be ascertained after leading evidence. Admittedly, the said application was filed within stipulated period of 15 days from date of service.

8. In view of the same, no ground to interfere in the impugned order dated 13.02.2025 is made out. The present Civil Revision Petition, accordingly, stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

01.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No