

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

Civil Revision No.5093 of 2010

Date of decision: 16-8-2010

M/s Vishal Engineers and another

---Petitioners

Versus

Smt. Gian Kaur and others

---Respondents

CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

PRESENT: Mr. V. Ramsawroop, Advocate
for the petitioners.

KANWALJIT SINGH AHLUWALIA, J. (ORAL)

In the present revision petition order dated 21.5.2010 passed by the Rent Controller, Ludhiana, whereby leave to defend was declined has been assailed.

The primary plea raised is that earlier husband of the petitioner had filed an eviction petition but the same was withdrawn. The present petition has been filed by Smt. Gian Kaur wife of Tejinder Singh. A perusal of the impugned order passed by the Rent Controller reveals that earlier an eviction petition was filed by Tejinder Singh, husband of the respondent-landlady but the same was withdrawn for certain technical defects as it was pleaded that respondent Gian Kaur was owner of the property. The Rent Controller further held that Smt. Gian Kaur being landlady to cure the objections raised, had filed present eviction petition. The Rent Controller further held that wife is a co-owner and landlady and,

therefore, in her own rights, she can file an ejectment petition. It is also not disputed that respondent-landlady is a Non Resident Indian and has satisfied the necessary ingredients of Section 13-B of the East Punjab Urban Rent Restriction Act, 1949. It has been specifically pleaded by her that she intended to start the business of boutique.

At this stage, counsel for the petitioners states that petitioner No.1 is an engineering concern and is engaged in production of cycle spare parts. In case the petitioners are uprooted from the demised premises, their entire production line will suffer and it will cause immense losses to the concern.

Counsel for the petitioners states that in case some reasonable time is granted to the petitioners to vacate and hand over actual physical vacant possession of the demised premises, he will not press the present petition.

I find merit in the submission made by counsel for the petitioners. Accordingly, as prayed, the present petition is dismissed as withdrawn. However, the tenant-petitioners are granted eight months time to vacate and hand over actual physical vacant possession of the demised premises. They shall file an undertaking by 15.9.2010 before the Rent Controller that they shall hand over actual physical vacant possession of the demised premises. The period of eight months shall commence from 1.9.2010. They shall also undertake that the entire arrears of rent shall be paid immediately and the future rent by 7th of each following months.

(KANWALJIT SINGH AHLUWALIA)
JUDGE

August 16, 2010
RC