

SUPREME COURT OF INDIA

Kamal Raj Bansal

Vs.

Rajpaul Singh

C.A.No.347 of 2009

(S.H. Kapadia and Aftab Alam JJ.)

19.01.2009

ORDER

Leave granted.

1. The Civil Appeal is dismissed. There shall be no order as to costs.
2. The signed order is placed on the file.

Leave granted.

3. In this case the Rent Controller has refused to grant leave to defend, hence this Civil Appeal is filed by the tenant.
4. We have gone through the records. We are satisfied that the leave has been rightly rejected. However, from such rejection it does not follow that the landlord has not to prove the ingredients of Section 13B of East Punjab Urban Rent Restriction Act, 1949. We may also add that the appellant herein would have right to cross-examine the landlord in pending proceedings.
5. Subject to above, we dismiss the appeal and direct the Rent Controller to decide the case as expeditiously as possible, preferably within nine months from today.

There shall be no order as to costs.