

SUPREME COURT OF INDIA

Sita Ram

Vs.

Malwinder Kaur

C.A.No.2009 OF 2009

(B.N. Agrawal and G.S. Singhvi JJ)

30.03.2009

ORDER

Leave granted.

1. By an order dated 28.3.2007, the Rent Controller dismissed the application filed by the appellant under Section 18 of the East Punjab Urban Rent Restriction Act, 1949 (for short, 'the Act') for grant of leave to contest the petition filed by the respondent under Section 13-B of the Act and directed him to handover vacant possession of the demised premises within one month. The appellant challenged that order in civil revision but could not persuade the High Court to set aside the order of the Rent Controller. While doing so, the High Court simply reiterated the reasons recorded by the Rent Controller.

2. We have heard learned counsel for the parties and perused the record. In our view, the ground set out by the appellant in the application for grant of leave merited acceptance and the Rent Controller and High Court committed serious error by declining to entertain the same. As a corollary, it must be held that the order of eviction passed by the Rent Controller is legally unsustainable.

3. Accordingly, the appeal is allowed, impugned orders are set aside and the appellant is granted leave to contest the suit. He shall file written statement within six weeks from today. Thereafter, the Rent Controller shall decide the petition filed by the respondent on merits.