

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2010
CC 5806/2010

(From the judgement and order dated 15/12/2009 in CR No.
7413/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

VIJAY KUMAR DUA Petitioner(s)

VERSUS

PROMILA DEVI & ANR. Respondent(s)

(With I.A. NO.1 -appln(s) for c/delay in filing SLP)

Date: 14/05/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s)
Mr. M.C. Dhingra,Adv.
Ms. Vinod Agnihotri, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Heard Mr. Dhingra, counsel appearing for
the petitioner.

The High Court in its order against which
the Special Leave Petition is filed has made the
following direction :

"There is, however, some merit in
the contentions raised on behalf of the
petitioner that no unscrupulous tenant
can be permitted to deny the
relationship of landlord and tenant so
as to avoid his liability to pay the
rent. In order to safeguard the
interest of both the parties, the

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Rent Controller, Ludhiana, would be well
within his right to direct the
respondent-tenant to deposit the
provisionally assessed arrears of rent,
though without prejudice to the
respondent's legal rights and the same
shall be released to the petitioners
only when they furnish adequate security
to the satisfaction of Rent Controller,

Ludhiana, after giving notice to the respondent-tenant. The appropriate order in this respect shall be passed by the Rent Controller, Ludhiana, within a period of one month on moving an application by the petitioner-landlords."

Mr. Dhingra states that the petitioner, the tenant, has surrendered the possession of the suit premises earlier and its possession was taken over by the landlord, the respondent, and, therefore, there was no question of payment of any provisional rent.

From the High Court order, it appears that though the petitioner denied the relationship of landlord and tenant between himself and the respondent, it does not clearly appear that he told the High Court that he had surrendered the possession of the suit premises resulting into termination of the relationship of the landlord and tenant. If that be the position, it would be

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open to the petitioner to move the High Court in review and state his case clearly before the High Court. In that event, we expect the High Court to take into consideration the petitioner's plea and pass appropriate orders on it.

In case the review is filed within fifteen days from today, it shall not be dismissed on the ground of limitation alone.

This special leave petition is dismissed with the aforesaid observation.

(Neetu Khajuria)  
Sr. P.A.

(R.K. Sharma)  
Court Master