

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Civil) No(s).29807/2008

**(From the judgment and order dated 11/09/2008 in CRP No. 876/2008
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)**

KAMAL RAJ BANSAL

Petitioner(s)

VERSUS

RAJPAUL SINGH

Respondent(s)

(With prayer for interim relief)

Date: 19/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE AFTAB ALAM

**For Petitioner(s) Mr. Rajiv Dutta, Sr.Adv.
Ms. M.F. Humayunisa, Adv.
Mr. Kumar Dushyant Singh, Adv.
Mr. R. Nedumaran,Adv.**

**For Respondent(s) Mr. Neeraj K. Jain, Adv.
Mr. Aman Preet Jain, Adv.
Mr. Sandeep Chaturvedi, Adv.
Mr. Bhaskar Y. Kulkarni,Adv.**

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

Leave granted.

The Civil Appeal is dismissed. There shall be no order as to costs.

**(S. Thapar)
PS to Registrar**

**(Madhu Saxena)
Court Master**

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.347 OF 2009
(Arising out of SLP(C) No.29807 of 2008)

KAMAL RAJ BANSAL

...APPELLANT (S)

VERSUS

RAJPAUL SINGH

...RESPONDENT(S)

ORDER

Leave granted.

In this case the Rent Controller has refused to grant leave to defend, hence this Civil Appeal is filed by the tenant.

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.

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.

.....J.
[S.H. KAPADIA]

**New Delhi,
January 19, 2009**

.....J
[AFTAB ALAM]