

Shri Surjit Singh and Another Vs Beant Singh and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 29, 1989

Acts Referred: East Punjab Urban Rent Restriction Act, 1949 " Section 13A, 18

Citation: (1990) 97 PLR 238 : (1990) 1 RCR(Rent) 543

Hon'ble Judges: G.C. Mital, J

Bench: Single Bench

Advocate: T.R. Arora, for the Appellant; R.L. Sarin, for the Respondent

Final Decision: Dismissed

Judgement

G.C. Mital, J.

There is a residential house in Ludhiana which is jointly owned by four brothers, two out of whom were in service and thus

become specified landlords for the purpose of Section 13-A of the East Punjab Urban Rent Restriction Act, 1949 (as amended). (Hereinafter

referred to as the Act). The plan is before me. On the back there are servant quarters and the garage and in front is the main bungalow. Right

portion of the main bungalow, is in possession of Lajwant Singh (respondent No. 4), one of the four brothers who has retired from Navy Service.

Left portion is in possession of two tenants, rear left is with the tenants in this revision petition and the other portion consisting of three rooms in

front, is in possession of Jaswant Singh tenant. The premises in dispute consist of two rooms, one store, on kitchen and common varandah and

courtyard. For the vacation of the aforesaid portion of the house, Dr. Beant Singh, who retired as Principal Scientific Officer, Ministry of Defence,

filed an application against Capt Surjit Singh and his wife, within one year before his retirement, u/s 13-A of the Act, he retired on 31-12-1986.

The Rent Controller has ordered ejectment of the tenants, and this is tenant's revision.

2. The main point made out before me is that the so-called servant quarters, which are on the back side, are not servant quarters and that portion

was vacated by the tenants and the specified landlord should occupy that portion and the revision petition be allowed and the order of ejectment

be vacated. As already noticed, a look at the plan shows that they are servant quarters and not a portion of the main house. Since they are servant

quarters, it cannot be said that the specified landlord, who has retired as Principal Scientific Officer from the Ministry of Defence, should be made

to live in that portion when he can have the main portion of the bungalow vacated for his occupation on his retirement. The portion, which is with

the tenants before me, is suitable for the specified landlord to occupy, whether this portion would be enough or not, would be gone into in the other

ejectment case.

3. Another point made out was that the certificate from the proper competent authority was not produced along with the ejectment application.

Since Dr. Beant Singh has retired more than two years and nine months ago, that matter loses its significance because it is not disputed that he has

retired on 31-12-1986. The certificate is required only to see whether the averment made in the petition that the petitioner is going to retire within

a year of the filing of the petition or not, is supported by any material.

4. For the reasons recorded above, there is no merit in the revision and the same is hereby dismissed. However, the petitioners are granted one

months's time to vacate the premises.