

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.1481 of 2015 (O&M)
Date of decision : March 03, 2015**

Hakam Rai

..... Petitioner

Versus

Amarjeet Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE GURMIT RAM

1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

Present : Mr. Surinder Mohan Sharma, Advocate,
for the petitioner.

GURMIT RAM, J.

CM No.4547-CII-2015

For the reasons mentioned in the application, delay of 12 days
in filing the instant revision petition is condoned.

Civil miscellaneous stands disposed of accordingly.

CR No.1481 of 2015

1. This revision petition has been filed by the petitioner/tenant-
Hakam Rai against the order dated 15.11.2014 passed by the learned Rent
Controller, Ambala vide which the petition under Section 13-A [13(3)(a)] of
the Haryana (Control of Rent and Eviction Act) 1973 (in short “the Act”)
filed by respondent-landlord/Amarjit Singh was allowed and tenant was

directed to vacate the possession of demised premises within a period of one month from the date of passing of this order and the order dated 23.02.2015 of learned Appellate Authority, Ambala vide which the appeal filed by tenant against the said order dated 15.11.2014 was dismissed, thereby affirming this order.

2. Respondent-landlord had already filed a caveat under Section 148-A of the CPC for hearing him if any revision in this case is preferred by the tenant against the abovesaid orders passed by both the Courts below.

3. The learned counsel for the petitioner contended that summons in the case in hand were not issued in the form as prescribed under Section 13-A of the Act. It is further his contention that in the case in hand the summons for service of respondent were issued as if it was a simple case under Section 13 of the Act and not under Section 13-A of the Act and as such, a prejudice had been caused to the tenant-petitioner. It is his further contention that earlier respondent and his brother had filed ejectment petition against the petitioner (tenant) for his ejectment from the same very demised premises, which fact has been concealed by respondent/landlord from the Court and succeeded to get the ejectment order in this case by way of concealing the material facts from the Courts below. Proceedings before the learned Rent Controller had remained pending in this case for the period of about 7 years and the respondent/landlord never moved any application for early disposal of the case. Further he has prayed for the acceptance of the revision petition and to set aside the abovesaid both the impugned orders. In the case in hand, as per record the respondent/landlord had filed a petition under Section 13-A [13(3)(a)] of the Act seeking ejectment from the demised premises on the plea that he was in Air Force as Warrant

Officer and he was retired from his said service on 31.01.2007 on superannation. This petition as per the record was presented before the learned Rent Controller on 07.08.2007. If in the case in hand, ordinary summons for service of petitioner (tenant) had been issued instead of in the form prescribed, then that does not make any difference. It was merely an irregularity of the procedure and did not cause any prejudice to the tenant-petitioner. Then on receipt of summons of this case, petitioner (tenant) had filed an application under Section 10 of CPC for staying the proceedings along with an affidavit seeking leave to contest this petition when he put his appearance on 13.09.2007 before the learned Rent Controller. So as such he was very much aware of the fact that the instant petition for his ejectment from demised premises had been filed under Section 13-A of the Act and not simply under Section 13 of the Act. This point has been dealt with by both the Courts below meticulously and as such, the above contention of the learned counsel for the petitioner is held to be not sustainable.

4. Then the copy of the petition under Section 13-A of the Act is available on the record and in its para No.9 the landlord took a specific plea that earlier he had filed an ejectment petition against Ramesh Kumar and present petitioner-tenant/Hakam Rai. So as such there is no concealment of any material fact on the part of the respondent/landlord while filing this instant petition under Section 13-A of the Act.

5. Admittedly the respondent/landlord is the owner of the demised premises. Earlier he was in Air Force service and retired from his services on 31.01.2007, so as such he comes under the category of specified landlord, thereby entitling him to seek eviction of tenant from demised premises in a summary way as provided under Section 13-A of the Act.

6. Then the present petitioner/tenant had already delayed the proceedings of the main petition under Section 13-A of the Rent Act for a period of about 7 years by filing applications again and again as observed by the learned Appellate Authority in its order dated 23.02.2015.

7. The objective of the provisions under Section 13-A of the Act is to put the specified landlord into possession of demised premises without any delay if he fulfills the conditions as prescribed under this Section.

8. In the light of above discussion no ground for making any interference in the well reasoned both the impugned orders is made out, so this revision petition stands dismissed and disposed of accordingly.

CM No.4548-CII-2015

Since the revision petition has been dismissed, hence instant civil miscellaneous also stands dismissed having been rendered infructuous.

March 03, 2015
Gaurav Sorot

(GURMIT RAM)
JUDGE