

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

CR No.3013 of 2004

Decided on: 26.08.2015

Bahadur Singh . . . Petitioner

Versus

Mulkh Raj . . . Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. C.B. Goel, Advocate
for the petitioner.

Mr. Sanjay Jain, Advocate
for the respondent.

ARUN PALLI, J. (Oral)

Concededly, the petitioner-landlord had sought eviction, under Section 13-A (3A) (i) of the Haryana Urban (Control of Rent & Eviction) Act, 1973, (in short 'the Act 1973') being the owner and specified landlord on account of personal necessity. Demised premises is a shop i.e. Shop No,3/41, 42 respectively, Baldev Nagar, Ambala City. Vide order dated 14.03.2003, Rent Controller dismissed the eviction petition as specified landlord under aforesaid provision could seek ejectment only from a residential building or scheduled building as the provision does not apply to non-residential building. The Appellate Authority affirmed the said

order and consequently the appeal preferred by petitioner-landlord was also dismissed.

I have heard learned counsel for the parties and perused the paper book.

A bare reading of the provisions of Section 13 (1-A) of the Act 1973 reveals that a person who is or was an employee of Government of India or Government of Haryana or of any State owned Board or Corporation, makes an application within one year prior to or after the date of his retirement, can seek eviction of his tenant after obtaining order of recovery of possession of residential building. The issue is not *res-integra*. This Court in '**Smt. Satwinder Kaur Vs. M.S. Pindi Paint Stores Agency, 1996 HRR, Page 624**' and '**Jatinder Dev Nanda Vs. Rajinder Singh 1988 HHR 512**' has settled that said provision has no application to non-residential building.

In-fact, learned counsel for the petitioner very fairly concedes this position.

That being so, no interference is warranted in exercise of revisional jurisdiction under Section 15(6) of the Act, 1973. The petition being devoid of merit is accordingly, dismissed.

[ARUN PALLI]
JUDGE

26.08.2015
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