

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
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**C.M. Nos. 16326-27-CII of 2016 &  
Civil Revision No. 5267 of 2016**

**Date of decision: August 27, 2016**

Sham Sunder Arora @ Shyam Lal

...Petitioner

Versus

Brij Bhushan Jain

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Ashok Arora, Advocate  
for the petitioner.

**AUGUSTINE GEORGE MASIH, J.**

**C.M. No. 16326-CII of 2016**

C.M. is allowed subject to just exceptions. Annexures P-1 to P-5 are taken on record and filing of certified copies of the same is dispensed with.

**Civil Revision No. 5267 of 2016**

The sole plea, which has been raised by the learned counsel for the petitioner in the present revision petition, is that as per the bare provisions of Section 13-A (1A) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as '1973 Act'), which language clearly depicts that the summary manner for seeking eviction of a tenant is for domestic premises alone and the same cannot be made applicable to the commercial/non-residential buildings. He, therefore, contends that the order passed by the Rent Controller, Hisar cannot sustain and deserves to be set aside.

be accepted in the light of the judgment of the Hon'ble Supreme Court in **Harbilas Rai Bansal and another vs. State of Punjab**, 1995 (2) RCR (Rent) 672, where it has categorically been held that Section 13 (3) (a) of the East Punjab Urban Rent Restriction Act, 1949 is not only applicable to the residential building but also to the non-residential building equally.

A specific question with regard to the applicability of Section 13-A (1A) of the 1973 Act was framed in following terms:-

“Whether a specified landlord can seek eviction of a tenant in a summary manner from a non-residential building in terms of Section 13-A (1A) of the Haryana Urban (Control of Rent and Eviction) Act, 1973?” and was referred to a Larger Bench.

A Division Bench of this Court in **Vinod Kumar Jain vs. M/s Harindera Scientific Works, Gur Bazar, Sadar, Ambala Cantt.**, 2012 (1) RCR (Rent) 36 has, after considering the law on this subject, specifically held while deciding the question that the specified landlord can seek eviction of a tenant from a residential and non-residential building in a summary manner in terms of Section 13-A (1) (1A) of the 1973 Act.

In the light of the settled preposition of law by the Division Bench of this Court, the judgments, on which the counsel for the petitioner has placed reliance upon, which are of the Single Bench i.e. **M/s Bharat Electricals through its partner Superinder Kumar and another vs. Dr. Sukhdev Raj Goyal and another**, 2012 (4) RCR (Civil) 26, **Sudharshan Kumar Bhatia vs. Dharam Pal Sharma**, 2009 (2) RCR (Civil) 215, **M/s General Electronics and others vs. Amrik Singh**, 2009 (2) RCR (Civil) 219, **S. Tarlochan Singh vs. Smt. Harbhajan Kaur**, 2009 (2) LAR 415, **Gopi Ram vs. Jagan Nath**, 2003 (1) RCR 665 and **Kailasho vs. Sukhdev**

**Singh and others**, Vol.CLV-(2009-3)'719 would not hold the field.

In view of the above, finding no merit in the present revision petition, the same stands dismissed.

**C.M. No. 16327-CII of 2016**

In view of the dismissal of the main petition, no separate orders are required to be passed in this application for stay and, therefore, the same stands dismissed.

**August 27, 2016**

*pj*

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

Yes