

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : May 12, 2016

1. CR No. 8246 of 2014 (O&M)

M/S Suraj Motor Company and another vs Madhu Kashyap

2. CR No. 8248 of 2014 (O&M)

M/S Anant Sales Corporation & Another vs Madhu Kashyap

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SKS Bedi, Advocate
for the petitioners.

Mr. Vishal Munjal, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CR Nos. 8246 and 8248 of 2014, since eviction has been ordered from the same premises.

These petitions have been filed against the orders dated 1.9.2014 allowing the petition under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (for short “the Act”) and thereby evicting the petitioners from the demised premises.

The first argument of learned counsel for the petitioners is that

the respondent being a foreign citizen is not entitled to maintain the eviction petition. This argument has already been rejected by this Court vide order dated 09.05.2016 passed in CR No. 3509 of 2014, Krishan Kumar vs Kamla Devi.

The second argument raised by counsel for the petitioners is that there were three tenants on three separate floors and, therefore, there were three buildings under Section 2(a) of the Act. Consequently, the respondent could file only one petition for one of them. This precise question had come up before the Hon'ble Supreme Court in Swami Nath V. Nirmal Singh, 2010 (2) RCR 388, where also it was argued on behalf of the tenant that every portion of a building which is under tenancy of a different person would be a separate building. It was held as follows :-

“We have carefully considered the submissions made on behalf of the respective parties and we are unable to agree with the submissions made on behalf of the Petitioners. The interpretation sought to be given to the proviso to Section 13-B(1) of the 1949 Act would lead to an absurd situation which was not contemplated by the legislature while introducing the provisions of Section 13-B by way of amendment in 2001. The very object of the amendment would be frustrated if the narrow and constricted meaning being canvassed on behalf of the petitioners is to be accepted.

The provisions of Section 13-B of the 1949 Act have been correctly interpreted and dealt with in Baldev Singh Bajwa's case (supra) and in that view of the matter, the Special Leave Petitions must fail and are dismissed. I.A. No.2 of 2006 filed in SLP(C) No.11719 of 2006 by Gurdeep Ram to be impleaded as party in his personal capacity, is also disposed of, accordingly.”

Identical issue further came up before the Hon'ble Supreme Court in Bhandari General Store and others Vs. Makhan Singh Grewal, (2006) 143 PLR 167, and the same was negatived.

In view of what has been stated above, these petitions fail and

are dismissed.

May 12, 2016
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(AJAY TEWARI)
JUDGE