

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.6438 of 2017(O&M)

Date of Decision:-06.11.2017

Surinder Kumar (deceased) through his Lrs.

.....Petitioners.

Versus

Amit Kumar.

.....Respondent.

Present:- Mr. Krishan Singh, Advocate for the Petitioner.

Mr. Rakesh Bakshi, Advocate for the respondent.

JASWANT SINGH, J.(ORAL)

Petitioner (landlord) Surinder Kumar through his Lrs is in revision against the order dated 12.5.2017 passed by the Appellate Authority, Yamuna Nagar at Jagadhari whereby his Rent Application seeking eviction of the tenant-Amit Kumar from the demised shop bearing No.C-6/820D, Durga Garden, Jagadhari has been held to be not maintainable in view to the Rent Act not being applicable due to the construction being within 10 years, while setting aside the order of eviction dated 31.07.2014 passed by the Rent Controller, Jagadhari in favour of the petitioner (landlord) on the ground of personal necessity.

It is not in dispute that the demised shop was constructed on a plot purchased by the mother of the landlord Shanti Devi on 25.02.2005 and thereafter the tenant was inducted. It is also not in dispute that the demised shop falls within the urban area of Jagadhari/Yamuna Nagar and the

eviction application by the landlord was instituted on 24.2.2009 i.e. Within 10 years of the construction, therefore, in view of Section 1 (3) of The Haryana Urban (Control of Rent & Eviction) Act, 1973, the rent application would not be maintainable.

At the time of hearing, counsel for the petitioner (landlord) prays for permission to withdraw the present revision petition to enable his client to avail his fresh remedy in accordance with law.

Counsel for the Caveator-respondent has no objection to the same.

Dismissed as withdrawn with the aforesaid liberty.

(JASWANT SINGH)
JUDGE

November 06, 2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>