

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

C.R No. 6160 of 2018 (O&M)
Date of decision : September 27, 2018

Dr. Nidhan Singh

..... Petitioner

v.

Dr. Shakti Mahandru

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. PL Singla, Advocate
for the petitioner.

Mr. Rajiv Joshi, Advocate
for the respondent.

Ajay Tewari, J (Oral)

This petition has been filed against the order of the Rent Controller allowing a petition filed under Section 13A of the East Punjab Urban Rent Restriction Act, 1949 (for short “the Act”).

The primary contention raised by the tenant was that though the respondent had retired from government service yet the property in respect of which the present petition was filed was purchased by him six and half months after the retirement.

On the last date, the following order was passed :-

“ Counsel for the petitioner relies upon Dr. D.N Malhotra v. Kartar Singh, 1988(1) RCR (Rent) 176 to contend that on the date of retirement, the respondent was not a specified landlord and even if this issue was not raised since it goes to the root of the controversy, it can be raised even before this Court.

“ Notice of motion for 27.9.2018. Notice re: stay

also. Dasti only. To be shown in the urgent list.”

Counsel for the respondent is not in a position to deny that as regards the property in dispute the respondent was not a specified landlord and he had purchased it after his retirement.

In my opinion, at the most the respondent could have filed a petition under Section 13 of the Act but he could not have taken the recourse under Section 13A of the Act. In the circumstances, this petition is allowed and the impugned order is set aside.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 27, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No