

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A No. 3004 of 2018(O&M)

Date of Decision:18.09.2018

Kanwaljit Kaur

.....Appellant

Versus

Satbir Pathania

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Inderjit Sharma, Advocate
for the appellant.

LISA GILL, J.

Appellant-plaintiff is aggrieved of the judgement and decree dated 10.05.2017, passed by learned Civil Judge (Jr. Division), Pathankot, as well as judgement and decree dated 14.12.2017, passed by the learned District Judge, Pathankot, whereby her suit for ejectment of the respondent-tenant from the two shops in question has been rejected on the ground that the Civil Courts have no jurisdiction to entertain and try the suit due to coming in force of the East Punjab Urban Rent Restriction Act, 1949 in respect to the property.

There is no dispute that the present suit was filed on 03.02.2011 and notification Ex.DW3/A was issued on 28.10.2013, whereby the area within which the shops in question are located fell within the revised limits of Municipal Council, Mamoon, Pathankot. It is in this view of the matter that the learned trial Court vide judgement and decree dated 10.05.2017, dismissed the suit filed by the plaintiff.

Appeal filed by the appellant was also dismissed by the learned District Judge, Pathankot, while observing that even if a decree is passed, it cannot be executed in view of Section 13(1) of the East Punjab Urban Rent

Restriction Act, 1949.

Learned counsel for the appellant keeping in view the factual matrix of the case, submits that he has instructions to withdraw this appeal to enable the appellant to avail the remedy as may be available to her.

Dismissed as withdrawn.

18.09.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.