

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3454-2019 (O&M)

Date of decision: 19.07.2019

Avtar Singh

...Appellant

V/s.

Gurjinder Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Kuldip Sanwal, Advocate for the appellant.

RITU BAHRI, J. (Oral).

The short question for consideration in the present appeal is whether the shop in which the appellant was a tenant was in the urban area and whether eviction petition under Rent Act could be filed.

The lower appellate Court has considered this aspect in para 13 of the order dated 09.05.2019 and has referred to a Supreme Court judgment in the case of *Labh Singh Gill V/s. Gurdev Singh and another, Civil Appeal No. 6421 of 2017*, decided on 05.05.2017. In this judgment, the Supreme Court had examined the gazette notification dated 19.05.1975 declaring "Sudhar Bazar" as urban area for the purpose of the Act. In this case the Deputy Director, Urban Local Bodies, Ludhiana vide communication dated 4.12.2013 has informed under the Right to Information Act that as per the official record 'Sudhar Bazar has not been declared urban area by the Government so far' and in this backdrop, the judgment passed by this Court allowing the Civil Revision, has been set aside. Once the clarification has been given vide communication dated

4.10.2013 that Sudhar Bazar has not been declared urban area, the suit filed by the plaintiff for eviction was maintainable and in this backdrop, the order dated 09.05.2019 passed by lower appellate Court dismissing the appeal has been rightly passed.

The second ground to challenge is that notice of the suit was never served upon the tenant. This fact has been considered by the lower appellate Court in para 14 of the order dated 09.05.2019 wherein it has been observed that DW5 Daljit Singh an employee of the post office has admitted in his cross-examination that the envelope of registered cover notice (Ex.P5) bore the stamp of their department as per which there was a clear report that the tenant had refused to accept the registered cover notice. Even this argument is liable to be rejected to interfere in the concurrent findings recorded by both the Courts below that the suit was maintainable and the tenant had been duly served vide registered notice (Ex. P5).

Dismissed.

(RITU BAHRI)
JUDGE

19.07.2019

Divyanshi

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