

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-4353 of 2011 (O&M)
Date of decision: 08.09.2022

Ram Kumar Gupta

..Appellant

Versus

Jeetu and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Jindal, Advocate
for the appellant.

Mr. Sunny Singla, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

The appellant before this Court is a tenant. The provisions of East Punjab Urban Rent Restriction Act, 1949 as well as Punjab Rent Act, 1995, are not applicable to the premises in question.

Both the Courts have decreed the counter claim filed by the owners while dismissing the suit filed by the appellant for grant of permanent injunction.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the appellant submits that in the absence of notice under Section 106 of the Transfer of Property Act, 1882, the counter claim was not maintainable.

On being questioned as to when Section 106 of the Transfer of Property Act, 1882 was made applicable to the State of Punjab, the learned counsel representing the appellant failed to draw the attention of the Court to any such notification.

When the owners (defendants) filed the counter claim, the plaintiff never objected to its maintainability of the same on the ground that the tenancy has not been terminated. In any case, the appellant has notice of the proceedings for the last 19 years.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 08, 2022

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(ANIL KSHETARPAL)
JUDGE

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