



RSA-1874-2024(O&M)

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

(247)

**RSA-1874-2024(O&M)
Date of Decision: 03.10.2024**

Sunita Devi and others

.....Appellants

Versus

Baldev Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Arora, Advocate, for the appellants.

HARKESH MANUJA, J.(ORAL)

1. By way of present appeal, challenge has been laid to the judgments and decrees dated 23.08.2010 and 22.01.2024 passed by the Courts below whereby, a suit for permanent injunction filed at the instance of appellants/plaintiffs was dismissed whereas counter claim seeking possession of the demised premises by way of ejectment along with mesne profit sought for at the instance of respondent was allowed.

2. Briefly stating, the appellants/plaintiffs filed a suit for permanent injunction with a prayer for restraining respondent/defendant or his agents/assignees or representatives not to interfere into their peaceful possession over a demised shop measuring 2'2' x 22', situated at Khanpur Chowk, Shahpurkandi Road, Pathankot.

3. Upon notice, the respondent/defendant appeared and filed counter claim seeking ejectment of the appellants/plaintiffs from the demised premises besides claiming recovery of rent w.e.f. 01.04.2002 to 31.10.2004. The trial Court vide judgment and decree dated 23.08.2010, dismissed the suit filed at the instance of appellants/plaintiffs, whereas the counter claim



filed at the instance of respondent-defendant was allowed thereby granting decree for possession by way of ejectment of appellants/plaintiffs from the demised shop as well as holding the respondent-defendant to be entitled for recovery of Rs.6600/- as rent and also to recover a sum of Rs.600/- per month till the date of delivery of possession by them. Aggrieved thereof, appellants/plaintiffs filed first appeal, however, the same came to be dismissed vide judgment and decree dated 22.01.2024 passed by the Court of Additional District Judge, Pathankot.

4. Impugning the aforesaid judgments and decrees, learned counsel for the appellants/plaintiffs submits that during pendency of the suit and the counter claim, demised premises became part of the municipal limits of Pathankot vide notification dated 21.10.2014 (Ex. A-3) issued by the Department of Local Government, Government of Punjab, and thus, the decree passed by the Courts below became unexecutable as the premises henceforth was to be governed by the provisions of East Punjab Urban Rent Restriction Act, 1949.

5. I have heard learned counsel for the appellants and gone through the paper book. I am unable to find substance in the submission made on behalf of learned counsel for the appellants. This issue involved in this case has already been dealt with by this Court in ***RSA-1599-2016 titled Sunil Kumar Gupta Vs. Saravjeet singh (now deceased) through LRs***. The relevant paragraphs of the same are extracted hereunder:

“[11] In such circumstances, when the suit for possession by way of ejectment qua the demised premises was filed at the instance of respondent/ landlord for the property/ area in question forming part of the notification dated 18.01.2019 while bringing it under the applicability of provisions of 1952 Act and the decree for possession even been passed on 04.05.2015 and affirmed on 19.02.2016 by the



Courts below i.e. much prior to the date of notification dated 18.01.2019, the same cannot be nullified or made enforceable in law in the absence thereof being any specific exclusion qua the jurisdiction vested in the Civil Court.

[12] Moreover, the rights of the parties stood crystallized on the date of institution of the suit and therefore, the law applicable on the date of filing of the suit will continue to apply until its final culmination. Furthermore, there is no specific provision under the 1949 Act which oust the jurisdiction of Civil Court in respect of the cases validly instituted before the date when the provisions of Rent Act became applicable qua said area/ premises/ tenancy.

6. In view of the law laid down by this Court vide decision dated 03.09.2024 in RSA-1599 of 2016, the aforesaid plea taken by the appellants/plaintiffs being devoid of merit. Resultantly, finding no merits in the judgments and decrees dated 23.08.2010 and 22.01.2024 passed by the Courts below, the present appeal is dismissed.

Pending applications, if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

03.10.2024
anil

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