
(1996) 04 SC CK 0165

In the Supreme Court Of India

Case No : Civil Appeal No's. 2133-36 of 1996

Ram Gopal Sharma

APPELLANT

Vs

Sukhdev Raj Rudra

RESPONDENT

Date of Decision : 16-04-1996

Acts Referred:

Constitution of India, 1950 — Article 12

Citation : (2001) 9 SCC 216

Hon'ble Judges : S. Saghir Ahmad, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Kuldip Singh and; S. Saghir Ahmad, JJ.-These are tenant's appeals. These appeals are filed against the judgment of the High Court which disposed of the two civil revisions filed by the tenant. One revision petition was directed against the order of the Rent Controller dismissing the application for grant of permission to defend the petition. The second revision was against the order of ejectment passed by the Rent Controller. By a common judgment, the High Court dismissed both the revision petitions.

2. Learned counsel appearing for the appellants has raised two contentions before us. According to him, the respondent landlord is not a "specified landlord" within the definition of Section 2(h) of the East Punjab Urban Rent Restriction Act, 1949 ("the Act"). The second contention raised by the learned counsel is that the respondent being a co-owner, could not by himself institute the eviction proceedings.

3. Section 2(h) of the Act is as under:

"2. (h) Specified landlord means, person who is entitled to receive the rent in respect of a building on his own account and who is holding or has held an appointment in public service or post in connection with affairs of the Union or of the State."

4. The respondent landlord was an employee of Life Insurance Corporation of India. He retired from the Corporation and instituted eviction proceedings by invoking Section 13-A of the Act.

5. The contention of the learned counsel for the appellant is that the respondent having retired from Life Insurance Corporation of India, is not a public servant. It is not necessary for us to go into the various provisions of the Life Insurance Corporation of India Act, because the learned counsel for the appellant concedes that Life Insurance Corporation of India is a State/other authority under Article 12 of the Constitution of India. That being the admitted position, we agree with the High Court that the respondent while in the service of Life Insurance Corporation of India, was a public servant. This Court in *State v. K.K. Anand*¹ while interpreting Section 21 of the Ranbir Penal Code, has held that the employees of Life Insurance Corporation of India come within the definition of the expression "public servant". We, therefore, reject the contention raised by the learned counsel for the appellant.

6. So far as the second point is concerned, the High Court relying upon the judgments of this Court in *Kanta Goel v. B.P. Pathak*², *Motilal Gaur v. Amrit Lal Chauhan*³ and *Sri Ram Pasricha v. Jagannath*⁴ has come to the conclusion that application for ejectment of the tenant under the Act is maintainable by a co-owner. We see no ground to interfere.

7. We, therefore, dismiss these appeals. No costs.

8. Keeping in view the facts and circumstances of this case, we give time to the appellant to vacate the premises before 31-7-1996, on his filing usual undertaking in this Court within four weeks.