

(2014) 11 P&H CK 0099
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 7489 of 2014

Steel Strips Wheels Ltd.

APPELLANT

Vs

Tejinder Kumar and Others

RESPONDENT

Date of Decision : 05-11-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 10, 151
East Punjab Urban Rent Restriction Act, 1949 — Section 13

Citation : (2015) 177 PLR 507 : (2015) 1 RCR(Rent) 637

Hon'ble Judges : Surinder Gupta, J

Bench : Single Bench

Advocate : Akshay Bhan, Senior Advocate and Alok Mittal, Advocates for the Appellant

Judgement

Surinder Gupta, J.—The respondents filed petition under Section 13 of East Punjab Urban Rent Restrictions Act, 1949 (in short, "the Act") seeking ejectment of revision petitioner from the demised premises comprising of showroom SCO No. 50, Sector 26A, Madhya Marg Chandigarh on the ground that the same is required for their personal bona fide necessity, tenant has raised permanent structure and covered rear open courtyard and has opened passage in the common wall on ground, first and second floor with adjoining SCO 49 at his own cost without permission of Estate Officer. The above acts of tenant have exposed the demised premises to risk of resumption and this unauthorized additions/alterations have materially impaired the value of the property. On appearance, the revision petitioner moved application under Section 10 read with Section 151 CPC for stay of the proceedings in the petition on the ground that suit for specific performance of the lease deed with regard to the demised premises was filed by the revision petitioner which was dismissed and appeal against judgment and decree passed by lower Court is pending. The landlord-respondent had also filed a suit for permanent, prohibitory and mandatory injunction regarding the demised premises to restrain the revision petitioner from proceeding further with unauthorized and illegal construction work in the demised premises, which was

also dismissed vide judgment and decree dated 31.08.2013 and the appeal against that judgments and decree is also pending. The learned Rent Controller did not find any reason to stay the proceedings of the petition filed under Section 13 of the Act with observations in para 7 of the impugned order, which read as follows:

"7. The instant petition has been filed by the petitioner for eviction of respondent from demised premises on the ground of materially impairment of value and utility of demised premises. The matter in issue between the parties, arisen from the instant petition, is not directly and substantially connected with the matter in the issue in the two above previously instituted suits between the same parties. The instant petition has been filed by the petitioner under Section 13 of the Rent Act for ejectment of the respondent, whereas, parties are litigating civil proceedings in civil suits. The proceedings of the instant petition have no bearing and the matter in issue is also different from the instant petition, thus application in hand fails being devoid of any merits and same is hereby dismissed."

2. I have heard learned counsel for the petitioner and have perused the paper book.

3. Learned senior counsel appearing for revision petitioner has argued that in earlier suits filed by revision petitioner and landlord-respondent the dispute relate to unauthorized construction and converting the period of lease of the demised premises into a permanent lease.

4. The contention raised by learned counsel has no relevance. In petition under Section 13 of the Act, landlord is seeking the ejectment of the revision petitioner from the demised premises on the ground of personal bona fide necessity, material alteration etc. Right to get rented premises vacated is a statutory right provided to a landlord under the provisions of the East Punjab Urban Rent Restrictions Act, 1949. The pendency of the civil suit filed by revision petitioner or by respondent-landlord in no manner affect the outcome of the petition under Section 13 of the Act. The Rent Controller has committed no error of law or fact while declining the application filed by the revision petitioner. This revision petition has no merit and the same is dismissed.