

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 3562/2019  
(Arising out of impugned final judgment and order dated 05-12-2018  
in RSA No. 746/2012 passed by the High Court of Punjab & Haryana at  
Chandigarh)

RAJINDER KUMAR &amp; ORS.

Petitioner(s)

VERSUS

LABH SINGH GILL

Respondent(s)

(IA No. 19736/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

WITH

SLP(C) No. 3887/2019 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
21380/2019, FOR APPLICATION FOR SUBSTITUTION ON IA 189020/2022  
FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA  
189022/2022

SLP(C) No. 3716/2019 (IV-B)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
20373/2019, FOR APPLICATION FOR SUBSTITUTION ON IA 189033/2022  
AND FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA  
189034/2022)

SLP(C) No. 3944/2019 (IV-B)

(IA No. 21829/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

SLP(C) No. 3579/2019 (IV-B)

(IA No. 19842/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

SLP(C) No. 23471/2019 (IV-B)

SLP(C) No. 3634/2023 (IV-B)

(FOR ADMISSION and I.R.)

Date : 08-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

SLP (C) No. 3562/2019 & CONNECTED MATTERS

For Petitioner(s) Dr. Sumant Bharadwaj, Adv.  
Mr. Vedant Bharadwaj, Adv.  
Ms. Mridula Ray Bharadwaj, AOR  
Mr. Tanay Hari Har Lal, Adv.  
Ms. Apoorva Chauhan, Adv.  
Surbhi Sharma, Adv.  
Mr. Shreyansh Jain, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv.  
Mr. Umang Shankar, AOR  
Mr. Aniket Jain, Adv.  
Mr. Sanjay Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Applications for substitution are allowed.

Heard learned counsel for the petitioners as also the learned senior counsel for respondent and perused the petition papers. Though, the learned counsel for the petitioners sought to rely on the order dated 05.05.2017 passed in CA No. 6421 of 2017 wherein this court had made certain observations and remitted the matter to trial court, the said matter relates to the premises in the occupation of other tenants. In that background, a perusal of the instant case would indicate that the said issue relating to the area of Sudhar Bazar being an Urban area or not, was also an issue in the instant proceedings.

The trial court through the separate judgments all dated 03.02.2011 in Civil Suit Nos. 201/2007, 193/2006, 1194/2006, 264/2007, 138/2007 respectively, having arrived at the conclusion that the suit is maintainable, has decreed the same and ordered eviction. The lower appellate court while re-appreciating the

evidence available on record, has returned a specific finding with regard to the evidence available on record to arrive at the conclusion that the said area relating to the survey number which is in question, wherein the premises is situated, does not fall in the urban area. Therefore, the East Punjab Urban Rent Restriction Act, 1949 does not apply. In that view, the lower appellate court through its judgment dated 21.12.2011 and the other respective judgments has dismissed the appeal.

The petitioners were before the High Court in the second appeal. The High Court through its judgment dated 05.12.2018 and related judgments in respective petitions has taken note of the findings returned by the Trial Court and the lower appellate court and in that regard having made a specific reference to there being no evidence that the entire area of the village Sudhar Bazar has been included in the Notification dated 23.05.1975 has thereafter dismissed the appeal filed by the petitioners herein. Therefore, taking into consideration the concurrent findings returned by the courts below, we see no reason to interfere with the said judgments. The very judgments have been relied upon in the case relating to SLP (C) No.23471/2019 and SLP (C) No. 3634/2023 and as such there is no reason to interfere in the said cases as well.

However, taking note of the fact that the petitioners have been in possession of the building for quite sometime and have to make alternate arrangements, we grant time to each of the

petitioners in all these cases to vacate and hand over the vacant possession of the premises on or before 31.12.2023, subject to the usual undertaking being filed before this court within three weeks from today.

Hence, the petitions being devoid of merit, are dismissed.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)  
COURT MASTER (SH)

(DIPTI KHURANA)  
ASSISTANT REGISTRAR