

ITEM NO.26

COURT NO.6

(REVISED)
SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 8567/2018

(Arising out of impugned final judgment and order dated 10-10-2017 in RSA No. 3008/2014 and RSA No. 3000/2014 passed by the High Court of Punjab & Haryana at Chandigarh)

ASHOK KUMAR & ORS.

Petitioner(s)

VERSUS

YOGESH KUMAR & ORS.

Respondent(s)

(With IA No.46079/2018-CONDONATION OF DELAY IN FILING, IA No.46087/2018-APPLICATION FOR SUBSTITUTION, IA No.46090/2018-EXEMPTION FROM FILING O.T., IA No.46080/2018-PERMISSION TO FILE SLP/TP and IA No.46089/2018-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Date : 09-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Subramonium Prasad, Sr. Adv.
Ms. Varuna Bhandari Gugnani, Adv.
Mr. Bhakti Vardhan Singh, AOR
Mr. Amit Kumar Pathak, Adv.
Mr. Siddharth, Adv.
Mr. Himanshu, Adv.

For Respondent(s)

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

Permission to file special leave petition is granted.
Delay in filing the present petition is condoned.

Delay in filing the application for substitution is condoned. Application for substitution is allowed. Cause title may be amended accordingly.

The High Court by the impugned judgment has held that the property in question is covered by the provisions of Haryana Urban (Control of Rent and Eviction) Act, 1973, and, therefore, the civil Court has no jurisdiction to entertain the Suit filed by the petitioner herein. That finding is accepted by the petitioner. However, the petitioner submits that once the High Court has stated that civil Court has no jurisdiction, it was not appropriate on the part of the High Court to go into the merits and decide other issues which would adversely affect his case before the Rent Controller as well.

Notice is issued on these aspects, returnable in six weeks.

Dasti service, in addition, is permitted.

(NIDHI AHUJA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

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Mr. Bhakti Vardhan Singh, AOR
Mr. Amit Kumar Pathak, Adv.
Mr. Siddharth, Adv.
Mr. Himanshu, Adv.

For Respondent(s)

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

Delay in filing the present petition is condoned.

The High Court by the impugned judgment has held that the property in question is covered by the provisions of Haryana Urban (Control of Rent and Eviction) Act, 1973, and, therefore, the civil Court has no jurisdiction to entertain

the Suit filed by the petitioner herein. That finding is accepted by the petitioner. However, the petitioner submits that once the High Court has stated that civil Court has no jurisdiction, it was not appropriate on the part of the High Court to go into the merits and decide other issues which would adversely affect his case before the Rent Controller as well.

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Dasti service, in addition, is permitted.

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