

TEK CHAND
v.
SAT NARAYAN

SEPTEMBER 14, 1989

[E.S. VENKATARAMIAH, CJ., K.N. SINGH AND
S. NATARAJAN, JJ.]

Haryana Urban (Control of Rent & Eviction) Act, 1973: Sections 1(3) and 13—Applicability of the Act—Fixed period of exemption from applicability—Exemption continues until suit is disposed of or adjudicated.

Applying the principle enunciated in *Atma Ram Mittal v. Ishwar Singh Punia*, [1988] 4 SCC 284, this Court dismissed the special leave petition, and,

HELD: 1.1 The exemption would apply for a period of ten years and will continue to be available until suit is disposed of or adjudicated. [121H]

1.2 If the petitioner fails to file an undertaking on usual terms, the decree shall become executable forthwith. [122B]

CIVIL APPELLATE JURISDICTION: Special Leave Petition (C) No. 5628 of 1988.

From the Judgment and Order dated 4.1.1988 of the Punjab and Haryana High Court in Regular Second Appeal No. 918 of 1987.

P.P. Rao and Shakeel Ahmed for the Petitioner.

S.C. Maheshwari, P.K. Chakravarti, Ms. Sandhya Goswami and V.K. Bhardwaj for the Respondent.

The following Order of the Court was delivered

We have heard this case arising out of Haryana Urban (Control of Rent and Eviction) Act 1973. We feel that this case is fully covered by the decision of Hon'ble Mr. Justice Sabyasachi Mukharji & Hon'ble Mr. Justice Ranganathan in *Atma Ram Mittal v. Ishwar Singh Punia*,

- A** [1988] 4 S.C.C. 284. We respectfully agree with the principle enunciated in that decision. The special leave petition is dismissed.

- B** Learned counsel for the respondent Mr. S.C. Maheshwari states that the decree will not be executed till 30th April, 1990 subject to an undertaking on usual terms being filed in this Court within four weeks from today. If the undertaking is not filed, the decree shall become executable forthwith.

G.N.

Petition dismissed.