

Radhey Shyam

Vs

Nazar Singh

Civil Appeal No. 69 of 1978

(R.S. Pathak, E.S. Venkataramiah, V.B. Eradi JJ)

30.07.1981

JUDGMENT

PATHAK, J. –

1. This is a tenant's appeal directed against the judgment dated September 21, 1977 of the High Court of Punjab & Haryana dismissing his revision petition in limine.
2. A petition was filed by the landlord for the eviction of the tenant on the ground that he needed the accommodation for his bona fide personal requirement. The accommodation consists of a shop-cum-flat and was leased out @ Rs. 300 per month. The statutory authorities under the East Punjab Urban Rent Restriction Act concurrently held that the accommodation was a "residential building" by virtue of the definition in sub-section (g) of Section 2 of the Act. That finding was not assailed before the High Court.
3. Before us learned counsel for the appellant wants to reopen the finding whether the accommodation in question can be described as a "residential building" within the meaning of Section 2(g) of the Act. Having refrained from challenging the finding in the High Court we do not see why he should be permitted to do so here.
4. The appeal fails and is dismissed with costs.

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