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ITEM No.2

Court No. 5

SECTION XIV
A/N MATTER

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(s) for Special Leave to Appeal (Civil) No.14011/1999

(From the judgement and order dated 20/04/1999 in CRP 399/98
of The HIGH COURT OF H.P AT SHIMLA)

LALIT SOOD

Petitioner (s)

VERSUS

BANARSI DASS AND CO. & ORS

Respondent (s)

(For Final Disposal)

Date : 23/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. A.K.Ganguli, Sr.Adv.
Mr. J.S. Attri, Adv.
Mr. L.R.Rath, adv.

For Respondent (s) Mr. Raju Ramachandran, Sr.Adv.
Mr. K.K.Lahiri, adv.
Mr. Ejaz Maqbool, adv.
Mr. B.K.Misra, adv.
Ms. Aparna Jha, adv.
Ms. Safali Shukla, adv.
M/s Maqbool Mishra & Co., Adv.

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

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The point sought to be raised in this special leave petition is whether a certificate referred to in Sec.7 of the Indian Soldiers (Litigation) Act, 1925 has to be produced alongwith the filing of a petition for eviction on the ground envisaged in Sec.14(3)(a)(iii) of Himachal Pradesh Urban Rent Control Act, 1987. The High Court held that if the certificate does not accompany the filing of the petition then the petitioner cannot maintain the

petition. We do not think that it is necessary to deal with the said legal question now because it is admitted by both sides that the petitioner is not now serving "under special conditions within the meaning of Sec.3 of that Act or is posted in a non-family station." He can now prosecute

his petition before the Rent Control Court on the ground that he requires the building for his own occupation. Without prejudice to his right to prosecute the said petition we dispose of this petition. Learned counsel submits that on account of the pendency of the proceedings in the High Court and in this Court already much time has been lost. We permit the petitioner to make a motion before the Rent Control Court for expeditious disposal of the petition.

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(Suman Wadhwa)
PA to Addl.Regr.

(H.K. Bhatia)
Court Master