

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

C.R. No.137 of 2026

Decided on: 28th September, 2026

Ranveer Singh Negi

...Petitioner

Versus

Sadhna Saxena

...Respondent

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the petitioner:

Mr. Anil Kumar Manget, Advocate.

For the respondent:

Mr. Ashok Sood, Senior Advocate with
Mr. Abhishek Banta, Advocate.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner-tenant feeling aggrieved by the judgment dated 30.07.2026, passed by the learned Appellate Authority (C.B.I. Court), Shimla, District Shimla, H.P., whereby his appeal against the order passed by the Rent Controller has been dismissed, has approached this Court by way of present petition.

2. The respondent-landlord had filed eviction petition against the petitioner-tenant on the ground of arrears of rent from 01.12.2020 till the date of institution of

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

the petition i.e. 31.05.2022. In the said petition, the respondent-landlord had specifically mentioned in para 3, the name and address of the landlord and the name and address of the tenant. The petitioner-tenant while filing reply to the petition did not dispute the said fact.

3. The learned Rent Controller, after noticing the facts and the reply filed by the petitioner-tenant, wherein he had admitted the monthly rent of Rs.7,000/- per month and that he was inducted in November 2020. However, he denied that the rent was agreed by him on a monthly basis or that he is in arrears of rent besides water consumption charges, electricity bills and garbage bills, amounting to Rs.42,000/-. It was averred in the reply that the respondent-landlord had harassed the petitioner-tenant by making demand of rent of Rs.15,000/- per month and when the petitioner-tenant refused to pay the same, the respondent-landlord had cut the electricity supply to the rented premises.

4. The respondent-landlord filed rejoinder to the reply and controverted the averments made therein.

5. The Rent Controller, on the basis of the pleadings, framed the issues and thereafter, granted opportunities to the parties to lead their evidence. After recording the evidence, the learned Rent Controller allowed the eviction petition preferred by the respondent-landlord on 13.01.2026 on the ground of non-payment of rent and directed the petitioner-tenant to hand over the vacant possession of the demised premises to the respondent-landlord forthwith. However, in case, the petitioner-tenant pays an amount of Rs.4,52,393/- to the respondent-landlord within a period of 30 days from the date of the order, he shall not be evicted from the demised premises and in case of refusal by the respondent-landlord to accept the said amount during the period of one month, the amount can be deposited in the Court before the lapse of 30 days.

6. The petitioner-tenant, feeling aggrieved by the order passed by the Rent Controller, preferred an appeal before the learned Appellate Authority, which was dismissed on 30.07.2026 and order passed by the learned Rent

Controller was affirmed.

7. The petitioner-tenant, feeling aggrieved by the order of eviction passed by the Rent Controller and affirmed by the Appellate Authority, has approached this Court *inter alia* on the ground that the respondent-landlord has failed to prove the landlord-tenant relationship between the parties and thus, the petition instituted by the respondent-landlord under Section 14 of the Himachal Pradesh Urban Rent Control Act, 1987, was not maintainable before the Rent Controller.

8. Learned counsel representing the petitioner-tenant has vehemently argued that once it was mentioned in the eviction petition instituted by the respondent-landlord that the demised premises were let out in November 2020, in which the tenancy was created in the name of one Sh. Divesh Bhatia, who did not sign any rent agreement with the respondent-landlord, the Rent Controller has erred in passing an order of eviction against the petitioner-tenant and further the said findings have wrongly been affirmed by the learned Appellate Authority.

9. On the other hand, the learned counsel representing the respondent-landlord has supported the order passed by the learned Rent Controller, whereby the eviction petition filed by the respondent-landlord on the ground of non-payment of rent was allowed and thereafter the said order has been affirmed by the Appellate Authority.

10. Learned senior counsel representing the respondent-landlord has also drawn attention of the Court to the reply filed to the eviction petition, in which the petitioner-tenant had admitted that he was the tenant of the premises. He further argued that once both the authorities below have returned concurrent findings of fact, this Court while exercising the revisional jurisdiction, may not like to interfere with such findings of fact and thus, prayed for dismissal of the petition.

11. I have heard the learned counsel for the parties and also gone through the records carefully.

12. Before proceeding further in the matter, it would be relevant to mention the pleadings. In para 3(a) and (b), the

respondent-landlord has mentioned the particulars of landlord and tenant, which read as under:

<i>3.(a) Name and address of the Landlord:</i>	<i>Petitioner as described in the title of this petition.</i>
<i>(b) Name & Address of the tenants:</i>	<i>Respondents as described in the title of this petition.</i>

13. The petitioner-tenant had filed reply and admitted the contents of paras No.1 to 3. The relevant portion of the reply reads as under:

"1. That the contents of para 1 to 3 of the petition needs no reply being matter of record."

14. Once the petitioner-tenant did not dispute the relationship of landlord and tenant, the Rent Controller, on the basis of the pleadings, framed the following issues on 30.09.2023:

"i) Whether the respondent is in arrears of rent @ Rs.7,000/- per month till date, as alleged for ? ...OPP.

ii) Whether the respondent/tenant is in illegal occupation of tenanted premises upon termination of tenancy as alleged? ..OPP.

iii) If issue No.2 is decided in affirmative whether petitioner is entitled to receive use and occupation charges @ Rs.3,000/- per day with water consumption charges from the date of termination of the tenancy from respondent, as prayed for? .OPP.

iv) Relief."

15. A perusal of the issues does not disclose that the petitioner-tenant had raised any issue with respect to the relationship of landlord and tenant. Once the petitioner-tenant did not raise the said issue, there was no question of returning the findings by the Rent Controller on the said issue and the Rent Controller was only required to consider whether the petitioner-tenant was in arrears of rent or not. The said finding of fact has been affirmed by the learned Appellate Authority.

16. Learned counsel representing the petitioner-tenant has vehemently argued that once the Appellate Authority has taken note of the fact that the tenant was one Sh. Divesh Bhatia, this Court has to return the findings that there is no relationship of landlord and tenant between the respondent-landlord and the petitioner-tenant. However, the said plea cannot be accepted, more particularly, when there was no such issue ever framed by the Rent Controller, for the reason that the petitioner-tenant had not raised such a plea

in the reply to the eviction petition.

17. It is settled law that the issues are to be framed on the basis of the pleadings of the parties before the trial Court. Since there is neither any pleading to the said effect nor any such issue was ever framed, the petitioner-tenant cannot be permitted to raise such plea at this stage, especially when both the authorities below have returned concurrent findings of fact to the effect that the petitioner-tenant is in arrears of rent.

18. Learned counsel for the respondent-landlord has also submitted that the petitioner-tenant has not deposited any amount, despite the categorical directions given by the Rent Controller, which fact has not been denied by the learned counsel representing the petitioner-tenant.

19. Learned counsel for the petitioner-tenant also argued that since he is not the tenant over the demised premises, he has not deposited the amount.

20. The Constitution Bench of the Supreme Court in ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh,***

(2014) 9 SCC 78, has held that this Court, while exercising its revisional power, can only interfere with an order in case there is perversity or the authorities below have ignored the material evidence, which is required to be considered and has an impact on the adjudication of the lis.

21. Since there is neither any perversity nor illegality having been committed by the learned Rent Controller while recording the findings, which findings have been affirmed by the Appellate Authority, I do not see any reason to interfere with the impugned orders.

22. Consequently, I do not find any merit in the present revision petition and the same is accordingly dismissed. No order as to costs. Pending application(s), if any, shall also stand disposed of.

28th September, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge