

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: OCTOBER 21, 2015

Satwinder Singh

.....Petitioner

VERSUS

Balraj Kumar

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Naiya Gill, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this petition is to the order passed by the Rent Controller, Mohali, dated 12.01.2015, vide which an order of eviction has been passed and further the rent has been ordered to be paid to the respondent, against which an appeal preferred before the Appellate Authority stands dismissed on 13.07.2015.

It is the contention of learned counsel for the petitioner that the respondent, being not owner of the demised premises, was not entitled to receive any rent in the light of the fact that the booth, which was allotted to him, stands resumed by GMADA vide order dated 25.01.2013, against which an appeal was filed, which was also dismissed on 28.08.2014 and the said order has attained finality. Although petition for eviction was filed on

25.07.2014 but after the dismissal of the appeal i.e. 28.08.2014, he ceased to be the owner and landlord of the property and, therefore, was not entitled to receive the rent. She, thus, contends that impugned orders passed by the Rent Controller and the Appellate Authority cannot sustain.

This contention of learned counsel for the petitioner cannot be accepted as admittedly lease deed was entered into between the parties on 07.11.2012, according to which the respondent becomes the landlord of the property. As per the East Punjab Urban Rent Restriction Act, 1949, the landlord need not be the owner of the property. Since it is not in dispute that the lease was entered into between the petitioner and the respondent, therefore, for all intent and purposes he would continue to be the landlord of the demised premises. Therefore, the orders, as have been challenged, being in accordance with law, do not call for any interference by this Court.

The revision petition, therefore, stands dismissed.

Since the revision petition stands dismissed, C.M. No.17633 CII of 2015 for staying the operation of the impugned judgements is also dismissed.

**October 21, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**