

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

**110**

**Civil Revision No.5644 of 2015  
Date of Decision:04.09.2015**

Ashok Gulati

....petitioner

Versus

Ramesh Chand Sharma

.....respondent

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI**

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

Present: Mr.V.S.Rana, Advocate  
for the petitioner

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**ARUN PALLI, J.(ORAL):-**

Vide order being assailed dated 20.08.2015 (Annexure P9), application moved by the petitioner-tenant under Section 10 of the Code of Civil Procedure (for short 'CPC'), to stay the proceedings in the eviction petition, preferred by the respondent-landlord, has since been declined.

In the application moved by the petitioner, it was maintained that a suit under Section 92 of CPC titled as "The idol of Sh.Hanuman Ji Mandir vs. Ramesh Chand etc." filed by the inhabitants of Kaithal, to which parties to the eviction petition and MC Kaithal were also arrayed as parties, was pending consideration. And the worshippers, in the said suit, had claimed that the entire property of the institution, including the demised premises, be

restored to MC Kaithal.

In response, it was pleaded by the respondent that the application moved by the petitioner was wholly false and bogus as in the proceedings for eviction of the petitioner, the question of title was not required to be determined, and, in any case, in the wake of the provisions of Section 116 of the Indian Evidence Act, 1872, the petitioner could not dispute the title of the landlord.

On a consideration of the matter in issue, the application moved by the petitioner was dismissed and the conclusions recorded by the Rent Controller, read as thus:

***“Furthermore, as per the present petitioner Ramesh Chand in the present ejectment petition, he had rented out the tenanted premises to respondent Ashok Gulati vide rent note dated 05.04.1995 and even in the written statement filed by Ashok Gulati, he has not specifically denied the execution of the alleged rent note and as per his version he was inducted as tenant over the tenanted premises by Ramesh Chand and he was compelled to execute the rent note by Ramesh Chand. Means the execution of the rent note between Ramesh Chand and Ashok Gulati is admitted by the respondent Ashok Gulati. Section 116 of the Indian Evidence Act provides that “tenant is estopped from denying, during the continuation of the tenancy, that the landlord had titled at the commencement of the tenancy”. It is a settled principle of law that term landlord does not necessarily implies ownership whereas owner is always a landlord of the tenanted premises. Therefore, while deciding ejectment petition under***

***Section 13 of the Rent Act, the Court has not to decide regarding the title/ownership of the tenanted premises and the only concern of the Court is to seek that whether there is relationship of landlord and tenant between the parties and if so whether on the basis of ingredients of Section 13 of the Rent Act, the tenant is entitled to eviction from the tenanted premises. Therefore, in view of the aforesaid facts and circumstances this Court is of the considered opinion that matter in issue in the present ejectment petition is not directly and substantially in issue with the previously instituted suit under Section 92 of the CPC between the present contested parties along with the other parties in the aforesaid suit and whatever be fate of the present ejectment petition on merits it shall not be having any bearing upon the merits of the alleged suit under Section 92 of the CPC. Therefore, there is no requirement to stay the proceedings under Section 10 of the CPC in the present ejectment petition. Therefore, the present application under Section 10 of the CPC is dismissed.***

Concededly, the suit filed by the worshippers is under Section 92 of the Code of Civil Procedure, and even though respondent-landlord and the petitioner are party to the said proceedings, and the property of the institution, including the demised premises, is being claimed to be handed over to MC Kaithal, would have no decisive bearing on the matter in hand. In the eviction petition filed by the respondent-landlord, the relationship

between the parties is not being denied. Rather, the conceded position is that petitioner-tenant was inducted in the premises by respondent Ramesh Chand Sharma. That being so, it could be least suggested that the matter in issue in these proceedings is also directly and substantially in question in the suit under Section 92 of CPC, filed by the worshippers.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the Rent Controller was either contrary to the position on record or suffers from any material illegality. That being so, no interference is warranted in revisional jurisdiction under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

04.09.2015

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**(ARUN PALLI)**  
**JUDGE**