

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

**Civil Revision No.5616 of 2013 (O&M)**

Date of decision: 10.07.2015

Inder Singh

.... Petitioner

versus

Narinder Singh

.... Respondent

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

----

Present: Mr. Harchand Singh Batth, Advocate,  
for the petitioner.

----

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

----

**K.Kannan, J. (Oral)**

1. Revision petition is without merit. The petition is filed for ejectment on a plea that the respondent was his tenant. The respondent appeared in court and filed his objections stating that there was never any form of tenancy between the petitioner and the respondent. On the other hand, the property was held by one Jasbir Singh and used to pay rent only to him. Thereafter one Kuldeep Singh approached the respondent and showed to him an agreement of sale from Jasbir Singh in favour of Kuldeep Singh and a power of attorney in his favour authorizing him to collect the rent as well.

The contention is that he was paying rent to Kuldip Singh and he had paid rent upto 10.08.2009 against receipts. Subsequently, he had returned the property to Kuldeep Singh and at the time when the petition was filed, he was not even in possession.

2. After having filed the objection, he did not give any further evidence but before the Rent Controller only the petitioner had examined himself. The court still found that there was no proof of landlord and tenant relationship between parties and dismissed the petition. The appeal was also dismissed.

3. Before this court, the contention of the learned counsel is that the tenant did not even contest the case and substantiate his defence. The petitioner's own version stood uncontested and, therefore, the courts below ought to have ordered eviction.

4. I reject the contention, for, the courts below have done what was appropriate. If the respondent remains ex parte, the petitioner has still to convince the court that he has a case to sustain to secure the relief which he had claimed. The fundamental requirement was proof of jural relationship between the petitioner and the person admitted to be shown as a tenant. There was no such proof adduced. On the other hand, it would appear that when the property is not even in the hands of the respondent and one 3<sup>rd</sup> party Kuldip Singh is making a claim to the property, the petitioner has cleverly adopted the device by filing a petition against an entity who

has no stake in the property and makes an endeavour to steal a march over the person actually in possession. I would also find that the petition itself was not bona fide. I find no cause for intervention. Revision petition is dismissed.

**(K.KANNAN)**  
**JUDGE**

10.07.2015  
sanjeev