

CR No.5749 of 2015

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

CR No.5749 of 2015

Date of Decision: September 09, 2015

Bhim Singh

...Petitioner

Versus

Smt. Bimla

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vikram Singh Rao, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

This revision petition has been filed assailing the order dated 06.08.2015 passed by the Civil Judge (Junior Division)-cum-CJM, Jhajjar, rejecting the objections filed by the petitioner-judgment debtor to the execution petition filed by the respondent-decree holder.

It is the contention of the counsel for the petitioner that the execution petition preferred by the respondent-decree holder is not maintainable as she has no *locus standi* to file the same as she has sold the house in question during the pendency of the appeal against the judgment/order dated 19.12.2011 passed by the Rent Controller, Jhajjar, whereby, eviction of the petitioner-judgment debtor was ordered. Since she was no more the owner of the house which was the subject matter of the earlier eviction petition, the objections

should have been accepted and the execution petition dismissed. He, thus, contends that the impugned order dated 06.08.2015 deserves to be set aside.

I have considered the submissions made by the counsel for the petitioner-judgment debtor and with his assistance, have gone through the impugned order dated 06.08.2015 but do not find any merit in the contentions so raised by the counsel.

The ground which has been taken for dismissal of the execution petition is that the respondent-decree holder is no more the landlord as she had sold the said house and is no more the owner of the same, cannot be accepted in the light of the definition of the landlord as provided for under the Haryana Urban (Control of Rent and Eviction) Act, 1973, according to which, the landlord is not mandated to be the owner of the house/demised premises, it preliminary depends upon the relationship of landlord and tenant. She might have ceased to be the owner of the house in question but she continues to be the landlord for all intents and purposes so far as the relationship of landlord and tenant is concerned, specially when there is nothing in the sale deed which is indicative of the fact that she has given up her right of being the landlord of the demised premises and conferred the same upon the subsequent buyer of the house.

In any case, the petitioner is a tenant under the respondent-decree holder and not only the ejectment petition has

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been allowed but the appeal and revision preferred by him against the order of eviction passed by the Rent Controller, have been dismissed. The intention of the petitioner-judgment debtor is to hold on to the premises as a tenant which right he has lost upto the High Court. The equity is also not in his favour.

I find no merit in the present revision petition and, therefore, dismissed the same in limine.

September 09, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**