

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

DATE OF DECISION: SEPTEMBER 21, 2015

Ravin Kumar Gupta and another

.....Petitioners

VERSUS

Dr. Bhupinder Singh

....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: Mr. Narinder Sharma, Advocate,
for the petitioners.

Mr. Ashok Sehgal, Advocate,
for the Caveator.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order of ejectment dated 11.09.2014 passed by the Rent Controller, Chandigarh, appeal against which has been dismissed by the Appellate Authority, Chandigarh, on 29.05.2015, by upholding the order passed by the Rent Controller, Chandigarh.

It is the contention of counsel for the petitioners that relationship of landlord and tenant was disputed by the petitioners. He has referred to the cross-examination to contend that he has not been inducted as a tenant in the premises and, therefore, the petition itself was not

maintainable against the petitioners. He, however, could not dispute the fact

that in an execution petition earlier filed by the petitioner i.e. Navroop Departmental Store Vs. National Housing and Industrial Development Corporation, he had admitted the factum that he was a tenant under the respondent-landlord. The said objections have been exhibited as P2. He had admitted therein that he was inducted as a tenant by landlord-owner, Dr.Bhupinder Singh son of Late Shri Nasib Singh at the rate of ₹ 650/- per month for the use and occupation of area measuring 650 Sq. ft. on 4th Floor in SCO Nos.39-40, Sector 17-C, Chandigarh at the rate of ₹1/- per sq. ft. since 1986 on oral tenancy. An admission was also made that the tenancy consists of two rooms, toilet, bathroom, verandah and reception cabin on the 4th floor. He has also admitted his signatures on Ex.P2 i.e. the objections in the execution. He had further admitted that he was inducted as a tenant of Nasib Singh i.e. father of the respondent-landlord during his life time and after his death he had admitted in the objections filed by him that he was a tenant under Dr.Bhupinder Singh, landlord (respondent herein). This clearly establishes the relationship of landlord and tenant.

So far as assertion of learned counsel for the petitioner that the respondent-landlord (though relationship is disputed) has admitted that he had not been inducted in the area in question is concerned, suffice it to say that as per his own admission in Ex.P2, the petitioner-tenant had stated that he had been inducted as a tenant by Nasib Singh, father of the respondent and thereafter he had been continuing under the respondent as his tenant, admitting him to be the landlord in the objections, Ex.P2, which have been filed. This further establishes the relationship of landlord and tenant between the parties.

Counsel for the petitioner has placed reliance upon the judgement passed by this Court in Sant Lal (Died) through L.Rs Vs. Nand Kishore, 2003 (2) R.C.R. (Rent) 280 to contend that admission by the tenant in an earlier suit for eviction if not accepted by the Rent Controller cannot be relied upon or treated as an admission, binding him with the same, also does not help the case of the petitioner as in that case the Court had proceeded to hold that the admission was not accepted by the Rent Controller. Present is a case where the very factum of such an objection having been filed by the petitioners has been admitted where everything has been spelt out crystal clear. This leaves no manner of doubt that the findings recorded by the Courts below are based on proper appreciation of evidence, which do not call for any interference by this Court, when the findings are concurrent in nature.

Thus, finding no merit in the present revision, the same stands dismissed.

**September 21, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**