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

**C.R. No. 1551 of 2016 (O&M)
Date of Decision : 31.05.2016**

Rajesh Gupta

..... Petitioner

Versus

Bhalinder Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Atul Jain, Advocate
for the petitioner.

Mr. Jatinder Nagpal, Advocate
for the respondent-landlord.

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

AJAY TEWARI, J. (Oral)

This petition has been filed against the order of eviction passed against the petitioner on the ground that he did not pay the provisional rent.

The precise claim of the petitioner was that though he was earlier a tenant in the premises yet thereafter there was an agreement to sell the property, pursuant to which the petitioner had paid substantial amount to the respondent-landlord and consequently the petitioner was in possession of the property in dispute as an intending vendee and was, as such entitled

to the protection of Section 53-A. In these circumstances, there was no occasion for the Rent Controller or the Appellate Authority to have assessed provisional rent or to have evicted the petitioner on the ground that such provisional rent was not paid.

Learned counsel for the respondent has stated that the respondent has denied any agreement to sell or that he had received any money from the petitioner and has relied upon the judgment passed by this Court in *Binder Singh Vs. Rajinder Kaur and another, 2015 (5) Law Herald 4639* and *Haroon Vs. Kaley Khan, 2016 (1) Law Herald 305* wherein this Court after considering the amendment in the transfer of property Act held that the benefit of Section 53-A can be claimed by an intending purchase only if the agreement is registered.

Learned counsel for the petitioner is not in a position to cite any contrary judgment.

In the circumstances, no fault can be found with the judgment of the Courts below who had relied upon this position in law to non-suit the petitioner.

Resultantly, the revision is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 31, 2016
pooja sharma-I

(AJAY TEWARI)
JUDGE