

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.699-CII of 2014 in/and
CR No.271 of 2014
Date of Decision : 29.09.2016.

Raj Kumar Nagpal

.....Petitioner

Versus

Smt. Kiran Anand

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Dinesh Arora, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The eviction petition preferred by the petitioner under Section 13 of Haryana Urban (Control of Rent and Eviction), Act, 1973 (for short 'the Act'), was dismissed by the Rent Controller. And, the appeal filed against the order of eviction was also dismissed by the Appellate Authority. That is how, petitioner-landlord is before this Court.

The petitioner had sought eviction of the respondent on account of non-payment of rent as also for his personal *bona fide* need. Respondent is alleged to be a tenant on the ground floor of the demises premises. In the written statement filed by her she denied the very relationship of the landlord and the tenant between the parties, and maintained that in fact she happened to be the real sister of the petitioner. And, post her husband's death in the year 1999, her mother Smt. Sumitra Devi , who concededly was the owner of the demised premises, provided her shelter, and put her in possession of the demised portion.

No cogent or credible evidence was led to prove that there indeed was a relationship of landlord and tenant between the parties. Although, petitioner claimed that the demised premises was let out to the respondent at ₹1500/- per month, but neither any rent note nor any rent receipt was placed on record. Likewise no *bahi* entries or income tax returns were filed to substantiate the said plea. Although, the petitioner claimed that the respondent had paid rent to her mother namely Sumitra Devi, while she was alive, in the presence of Somnath, Tarun Nagpal and Deepak Nagpal, however, none was examined to support of his claim.

The Rent Controller as also the Appellate Authority, on a due and comprehensive analysis of the matter in issue and the evidence on record, concurrently found that the petitioner failed to prove his case.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by both the Courts was either perverse or suffered from any material illegality.

No other argument was advanced.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction under Section 15(6) of the Act. The petition being devoid of merit is accordingly, dismissed.

29.09.2016

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No