

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

Civil Revision No.4460 of 2016 (O&M)

Date of Decision: October 03, 2016

Balwinder Kumar

...Petitioner

Versus

Tejinder Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Ravi Malhotra, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-tenant is aggrieved of the concurrent findings of fact, whereby eviction has been ordered on account of non-payment of arrears of rent.

Mr.Ravi Malhotra, learned counsel for the petitioner-tenant submits that there was no relationship of landlord and tenant and, therefore, the trial Court did not assess the provisional rent. In fact, the petitioner was a tenant of the erstwhile co-owner. The petition is at the instance of the landlord claiming ownership on the basis of the sale deed dated 4.3.2008. The tenancy was not attorned. The orders under challenge are not sustainable in the eyes of law. This fact has totally escaped the notice of the Courts below. Even the rent note dated 5.3.2008 has not been proved and, thus, urges this Court for setting-aside the concurrent findings.

I have heard the learned counsel for the petitioner-tenant, appraised the paper book and of the view that the petitioner-tenant had

taken the risk of denying the relationship of landlord and tenant, but the fact remains that the he was a tenant of the erstwhile co-owner. Once the sale deed has been effected by the co-owner, the rent petition at the instance of the co-owner is maintainable. Even if he has not attained the status as landlord, but the fact remains that the property had exchanged hands and the respondent-landlord had become the owner. Obviously, he would be the landlord. Moreover, the rent note dated 5.3.2008 is between him and subsequent landlord, i.e., the respondent and the same has been proved to the hilt, therefore, the rent fixed therein has been determined. The petitioner-tenant has been found to be in arrears of rent by the Rent Controller, which he failed to pay and, therefore, no opportunity can be provided to pay arrears in view of the ratio decidendi culled out in **Rakesh Wadhawan Versus M/s Jagdamba Industrial Corporation, 2002(1) RCR (Rent) 514.**

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below, which are based on appreciation of oral and documentary evidence. No case for interference is made out.

Revision petition stands dismissed.

October 03, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No