

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

**Civil Revision No.4842 of 2016 (O&M)
Date of Decision:August 01, 2016.**

Sukhdev and others

.....PETITIONER(s).

VERSUS

Sharanjit Paul Singh Puri

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Animesh Sharma, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Sharanjit Paul Singh Puri filed petition under Section 13 of East Punjab Urban Rent Restriction Act, seeking eviction of the revision petitioners-tenants from the demised premises on the ground of non-payment of rent and his personal bona fide necessary to set up his business in Reiki Method Natural Healing and Acupressure/Sujok.

Learned Rent Controller upheld the bona fide need for the demised premises projected by landlord-respondent no.1 as genuine one and ordered ejectment of revision petitioners. The order passed by the Rent Controller was upheld by the Appellate Authority.

Not assailing the finding of fact recorded by learned Rent Controller and Appellate Authority that the demised premises is required by the respondent-landlord for his personal bona fide necessity, learned counsel for revision petitioner has raised the legal argument, challenging the

maintainability of the ejectment petition. He has argued that the shop was let out by Goran Devi vide rent note dated 01.01.1971 to Telu Ram, predecessor-in-interest of revision petitioners. Vide agreement dated 22.06.1980, she agreed to sell disputed shop to Telu Ram and received earnest money. From that day onwards, the possession of revision petitioners/their predecessor-in-interest was in part performance of the agreement and not as tenant. Landlord Sharanjit Paul Singh purchased the shop vide sale deed dated 18.08.1980, which was subsequent to the agreement in favour of Telu Ram. Thereafter, litigation started between landlord Sharanjit Paul Singh and Telu Ram. The suit filed by Telu Ram seeking specific performance of agreement dated 22.06.1980 was dismissed by the trial Court but the first Appellate Court accepted the appeal and in regular second appeal RSA No.1179 of 1986 suit of Telu Ram was dismissed primarily on the ground that Sharanjit Paul Singh Puri (landlord) was a bona fide purchaser of the disputed shop. Despite the above findings, status of Telu Ram and after his death, his successors-in-interest over the disputed shop remained under the agreement and not as a tenant, as such, learned Rent Controller had no jurisdiction for the ejectment of the revision petitioner and other legal representatives of Telu Ram.

I have given thoughtful consideration to the contention of learned counsel for the revision petitioners but find no merits therein.

Agreement dated 22.06.1980 propounded by Telu Ram was held to be invalid and in effective by this Court in RSA-1179 of 1986. It is not disputed that the judgment passed in the above regular second appeal has since attained finality. On the failure of Telu Ram and his successors-

in-interest to prove the execution of agreement by Goran Devi, they never came in possession of the disputed shop in part performance of the agreement and continued to be in possession of shop in dispute as tenant thereby vesting the Rent Controller with jurisdiction in the petition filed by Sharamjit Paul Singh Puri-landlord.

No other point has been argued by learned counsel for the revision petitioner.

This revision petition has no merits.

Dismissed.

August 01, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***