

In the High Court of Punjab and Haryana at Chandigarh

CR No.52 of 2016 (O&M)

Date of decision: February 16, 2016

Ravi Pal

..... Petitioner

Versus

Surinder Kumar Narula

..... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Shiv Kumar, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers 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 order shall dispose of CR Nos.52 and 53 of 2016 (O&M),
titled as **Ravi Pal and Surinder Kumar Narula**.

On the last date of hearing, the following order was passed:

After arguing for some time, learned counsel on instructions from his client states that he would not press this petition on merits, but since its a commercial premises if he is granted some time he would unilaterally vacate the premises in dispute on or before the appointed date and would file an undertaking to this effect so that the respondent will not be constrained to file a petition for execution.

Notice of motion for this limited ground.

Let the respondent be served through his counsel in the Executing Court by way of dasti process. Dasti only.

To come up on 16.02.2016.

In the meantime, the Executing Court is directed to adjourn the case to a date beyond that fixed by this Court.

A photocopy of this order be placed on file of the connected case.”

Today, learned counsel states that now the petitioner has withdrawn the offer made on the last date and prays that this petition be disposed of on merits.

These petitions have been filed against the order of the Appellate Authority dismissing the appeal of the petitioner-tenant and allowing the appeal of the respondent-landlord.

The brief facts are that the respondent-landlord filed a eviction petition on the ground of non-payment. The petitioner denied the relationship of landlord and tenant. However, the Rent Controller came to the conclusion that relationship of landlord and tenant was established and thereafter proceeded to assess the provisional rent and gave one opportunity to the petitioner to deposit the same. The petitioner filed an appeal against the order of deposit. Respondent-landlord also filed an appeal claiming that once the petitioner had denied the relationship of landlord and tenant, he could not have been permitted to deposit the rent. As mentioned above, the appeal of the petitioner was dismissed and that of respondent-landlord was allowed.

Learned counsel for the petitioner has again reiterated that

the petitioner was not bound to make any payment. In my opinion the relationship of landlord and tenant has not been successfully assailed by learned counsel for the petitioner.

Learned counsel for the petitioner has further argued that the order of the Rent Controller giving the petitioner one opportunity to pay the rent was legal. In my opinion, this argument is mis-placed. In para 10, the Appellate Authority relied upon decision of following judgments of this Court in **2004(2) CCC 603 Yashpal Singhla Vs. Vijay Kumar; 2008(3) RCR (Civil) 17 Jagdamba Tea Factory Amritsar and Ors. Vs. Parshotam Kishan; 2010(1) RCR Rent 302 Badri Nath Vs. Gaushala Trust Society and 2011(1) RCR Civil 103 Sandeep Shahi Vs. Smt. Asha Rani and Rakesh Wadhawan's case** to hold that once the relationship of landlord and tenant had been denied, no assessment order is required to be passed by the Rent Controller.

Learned counsel for the petitioner is not in a position to cite any contrary judgment. Consequently, the petitions are dismissed.

(AJAY TEWARI)
JUDGE

February 16, 2016

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