

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

C.R. No.865 of 2001

Date of Decision : 24.02.2016

Ram Niwas

..... Petitioner

Versus

Ishwar Chand and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashok K. Jindal, Advocate
for the petitioner.

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 revision has been filed against the concurrent orders of the Courts below denying application for ejectment of the respondent No.1.

As per the case set up by the petitioner, he had inducted the respondent No.1 as his tenant and the respondent No.1 had further sublet the premises to the respondents No.2 and 3. The case of the respondents No.2 and 3 on the other hand was that they had taken the premises from the respondent No.1 who was acting as care-taker/attorney on behalf of the petitioner-landlord. Both the Courts below noticed that the respondent No.1 very conveniently admitted the claim of the petitioner. They also noticed various other factors to come to the conclusion that plea of the petitioner that at any stage he had given premises to the respondent No.1 under

tenancy was not proved by him. Firstly, the Courts below noticed that the rent note (Ex.P1) was not on stamped paper and it was signed only by respondent No.1 and one witness but the signature of the petitioner was not appended on it. Secondly, the Courts below noticed that by filing a written statement stating that he was running tea shop in the demised premises, the respondent No.1 had also tried to support his cause but he had failed to show any licence that might have been issued by the Municipal Committee in that connection. Thirdly, they noticed that one Sant Lal (AW2) claimed to have been supplying milk at the shop of respondent No.1 from 1983 to 1986 but he had not produced any ledger/account books to show that he was in fact supplying milk to him. Fourthly, the respondent No.1 had stated that he had paid rent upto the year 1987 to the petitioner. If that was so, then why he was claiming rent again for the year 1987. Fifthly, the respondent No.1 had stated that he had been sending the amount of rent to the petitioner by money-orders, but no money-order receipt had been placed on the file.

Learned counsel for the petitioner has argued that it is a case of misreading of evidence. He has taken me through the pleadings and evidence but has not been able to persuade me that the findings of the Courts below are vitiated on the ground of misreading.

Consequently, the revision petition is dismissed.

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

February 24, 2016

ashish

**(AJAY TEWARI)
JUDGE**