

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 6387 of 2016 (O&M)

Date of Decision : 06.10.2016

Amarjit Kaur

....Petitioner

Versus

Jagwant Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Mansi Bansal, Advocate
for the petitioner.

Surinder Gupta, J.

This revision petition has been filed by Amarjit Kaur against order dated 26.11.2015 passed by Rent Controller, Bathinda whereby he assessed provisional rent of the demised premises and order dated 07.09.2016 passed by Appellate Authority dismissing the appeal of revision-petitioner.

BRIEF FACTS :-

2. Respondents filed application under Section 13 of the East Punjab Rent Restriction Act, 1949 seeking ejectment of revision-petitioner from the demised premises bearing house No. 33145 situated at Street No. 1, Paras Ram Nagar, Bathinda on several grounds including ground of non-payment of rent from September, 2009. They claimed rate of rent as ₹5000/- per month.

3. It was alleged by respondents that they have purchased the disputed house from Baljit Kaur daughter of Ajaib Singh, resident of Bathinda vide registered sale deed no. 3786 dated 19.08.2009.

4. In her reply, revision-petitioner alleged that she is a tenant in the property in question since 2005, which was taken on rent by her from

father of Baljit Kaur, namely, Ajaib Singh. Regarding sale deed no. 3786 dated 19.08.2009, she alleged that it is a false and manipulated document, which has been procured by respondents in collusion and connivance with Baljit Kaur daughter of late Sh. Ajaib Singh in order to cause wrongful loss to her. She claimed the rate of rent as ₹1500/- per month and denied the relationship of landlord and tenant with respondents.

5. On the application of respondents dated 12.10.2015 for assessment of provisional rent, Rent Controller assessed rent vide order dated 26.11.2015. While assessing rent, it was observed that revision-petitioner has admitted that she was inducted as tenant in the demised premises by father of Baljit Kaur, namely, Ajaib Singh. As per sale deed no. 3786 dated 19.08.2009, Baljit Kaur sold the demised premises to respondents. In the earlier suit filed by revision-petitioner titled 'Amarjit Kaur vs. Baljit Kaur and others', she had admitted that Baljit Kaur had sold the suit property to present applicants, as such, she cannot escape the payment of rent.

6. Not satisfied, revision-petitioner filed appeal before Appellate Authority, Bathinda, which was also dismissed.

7. I have heard learned counsel for the revision-petitioner and perused the paper-book and documents referred by her during course of arguments.

8. Admittedly, revision-petitioner is a tenant in the demised premises, which was earlier owned by Baljit Kaur. It is also not disputed that Baljit Kaur has sold the demised premises to respondents vide sale deed no. 3786 dated 19.08.2009. Revision-petitioner filed civil suit against Baljit Kaur and respondents seeking the relief of permanent injunction to restrain

them from interfering in her peaceful possession. In that suit Baljit Kaur made statement on 01.12.2009 that she had sold the disputed house to respondents and has no concern with the same. She had also produced photocopy of sale deed. Responding to statement made by Baljit Kaur, revision-petitioner got her statement recorded on the same day that 'she withdraws the suit as Baljit Kaur is no more owner of the disputed house' and sought liberty to take other legal appropriate action. On statement of Baljit Kaur and revision-petitioner, Additional Civil Judge (Senior Division), Bathinda passed order dated 01.12.2009, which reads as follows:-

“Defendant Baljeet Kaur made statement that she has sold House No. 33154 and now she has no concern with the same. After this statement, Amarjit Kaur plaintiff made statement withdrawing the present suit. In view of the statement made by plaintiff, suit stands dismissed as withdrawn. The file be consigned to the record room.”

9. Revision-petitioner filed another civil suit seeking the relief of injunction bearing C.S. No. 402 dated 04.10.2010. In that civil suit, respondents reiterated their plea that they have purchased the suit property vide sale deed no. 3786 dated 19.08.2009. The suit filed by revision-petitioner was decreed by Civil Judge (Junior Division), Bathinda vide judgment dated 21.04.2014 restraining defendants from interfering in her peaceful possession and from dispossessing her from any portion of disputed house except in due course of law.

10. In that civil suit, she admitted that presently Ranjit Singh and Jagwant Singh are owners of the house in question. This admission finds reference in judgment dated 21.04.2014 passed by Civil Judge (Junior

Division), Bathinda. The above evidence clearly shows that revision-petitioner had no doubt in her mind that after death of her father Baljit Kaur has sold the disputed house to plaintiffs-respondents, who have stepped into her shoes as landlord of the demised premises. Though, she raised a plea denying the relationship of landlord and tenant with respondents but her pleadings and documents on file show her denial as superfluous. Virtually she is admitting respondents as owners/landlord of the disputed house.

11. Here it will be relevant to mention that I have referred to earlier litigation on the basis of certified copies shown to me by learned counsel for the appellant during course of arguments.

12. I find no legal or factual infirmity in judgments passed by learned Rent Controller and Appellate Authority, calling for any interference in this revision petition, which has no merit.

Dismissed.

October 06, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No