

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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C.R. No. 6615 of 2016 (O&M)

Date of decision: 15.11.2016

Mrs. Santosh Kumari

...PETITIONER

VS.

Mahesh Kumar Ahluwalia and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arvind Singh, Advocate,
for the petitioner.

Mr. Vineet Dhanda, Advocate,
for the Caveator.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Notice of motion.

Mr. Vineet Dhanda, Advocate, accepts notice on behalf of the respondents.

Caveat discharged.

Challenge in this revision petition is to the order dated 20.07.2016 (Annexure P-1) passed by the Rent Controller, Faridabad, whereby the objection preferred by the petitioner against the order for handing over the vacant possession to respondent No. 1-Mahesh Kumar Ahluwalia, the landlord, had been dismissed, appeal against which preferred by the petitioner has also been dismissed by the Appellate Authority, Faridabad vide order dated 05.09.2016 (Annexure P-3).

2. It is the contention of the learned counsel for the petitioner that the eviction petition was preferred by Mahesh Kumar Ahluwalia against

petitioner but was not the tenant, as a matter of fact, the petitioner was the tenant and even an eviction order has been obtained ex-parte. He contends that the documentary evidence has been produced by the petitioner in the form of the Ration Card, Adhar Card etc. to show that she was residing in the said premises and without impleading her as a party to the eviction petition, respondent No. 1-landlord has, with a mala-fide intention, got the eviction order against the younger brother-in-law of the petitioner. He contends that the dismissal of the objection by the Courts below vide the impugned orders cannot sustain and deserves to be set aside.

3. I have considered the submissions made by the learned counsel for the petitioner and with his able assistance, have gone through the impugned orders.

4. A perusal of the pleadings in the Rent Petition No. 30 of 2012 shows that initially the younger brother-in-law of the petitioner, namely, Sh. Satyaveer Chaudhary had been duly served, in fact, some time was sought to file written statement but no written statement was filed despite giving him six opportunities. Thereafter, no one appeared before the Rent Controller and on 09.10.2012 he was proceeded against ex-parte. The ex-parte order of eviction was passed on 28.02.2013. No application has been moved by Satyaveer Chaudhary for setting aside the ex-parte eviction order. The objection, which has been filed by the petitioner in the execution proceedings, has been rightly rejected on the ground that the respondent-landlord has duly proved the lease/rent deeds Ex. P9 to Ex P12, wherein the tenant has been mentioned as Satyaveer Chaudhary. In the light of the above, it cannot be said that the petitioner was the tenant of respondent No.

1-Mahesh Kumar Ahluwalia-landlord. The documents, which have been

placed on record i.e. Ration card, Adhar card etc. would only show that the petitioner had been residing in the said premises but that does not mean that she was the tenant. The orders as passed by the Courts below being based upon proper appreciation of the pleadings and the evidence brought on record do not call for any interference by this Court.

5. The present revision petition, therefore, stands dismissed.

November 15, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes
Whether Reportable:	No