

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

**Civil Revision No.6653 of 2016 (O&M)
Date of Decision:October 04, 2016.**

Ram Saran

.....PETITIONER(s).

VERSUS

Bhagwan Dass

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arihant Jain, Advocate with
Mr. Sunny Deep Joneja, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Learned counsel for the petitioner submits that the respondent earlier filed a suit seeking possession of the suit property, which was dismissed with the observation by the Civil Judge (Junior Division), Rewari that the petitioner remains a tenant and enjoys immunity under Section 13 (1) of the Rent Act and cannot be dispossessed in civil proceedings. The observations made by the Civil Judge (Junior Division) were affirmed by the first Appellate Court and now regular second appeal filed by the plaintiff (now respondent) bearing RSA No.1888 of 2003 is pending. During the pendency of that regular second appeal, the plaintiff (now respondent) has filed ejectment application against the petitioner under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973. He argues that on the one hand, respondent is challenging the status of

petitioner as tenant, while on the other hand, he has filed the ejectment application, as such, till the decision of the appeal RSA No.1888 of 2003, the ejectment application is required to be adjourned sine die but the Rent Controller dismissed the application ignoring this fact.

The case of the petitioner throughout is that he is a tenant in the demised premises and his status as tenant has been recognized by the Courts below. The suit filed by the respondent seeking possession of the suit property was dismissed on the ground that the same is not maintainable against a tenant.

In view of this, the remedy of ejectment sought by the respondent-landlord under the provision of Haryana Urban (Control of Rent and Eviction) Act, 1973 is not barred and the Rent Controller has rightly declined the application filed by the petitioner seeking adjournment of the same sine die.

This revision petition has no merits.

Dismissed.

October 04, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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