

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

CR-640-2005 (O&M)

Date of decision : 13.05.2016

Gurmit Kaur

..... Petitioner

versus

Gurmit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Harmanpreet Cheema, Advocate
for the petitioner.

Mr. R.C.Setia, Senior Advocate with
Mr. Surinder Singh, Advocate
for the respondent.

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 petition has been filed against the order of the Appellate Authority reversing that of the Rent Controller and thereby dismissing the application for eviction filed by the petitioner.

The brief facts of the case are that the petitioner claimed that she and her child had inherited the shop in dispute from her husband and consequently filed a petition for eviction. The case of the respondent on the other hand was that neither the petitioner nor her husband was ever owner and nor were they landlords and infact it was the respondent who was owner of the property. The Rent Controller passed the finding on the fact that the municipal record contained name of the husband of the petitioner as the

owner and the fact that the electricity connection stood in the name of the husband of the petitioner and held that the petitioner had been able to prove her ownership and the consequent tenancy of the respondent and proceeded on that basis. The Appellate Authority on the other hand held that the petitioner had not been able to prove the relationship of landlord and tenant and further held that there was a dispute regarding the ownership between the petitioner and the respondent and consequently dismissed the eviction petition.

Even before me the only basis on which the learned counsel for the petitioner is claiming to be the owner is that in the municipal record the name of her predecessor-Jagtar Singh is recorded as owner and the electricity connection is in the name of Jagtar Singh. However, she has not been able to point out any objective evidence regarding the creation of the tenancy and nor has she been able to establish how Jagtar Singh had become the owner.

In this view of the matter, the finding of the Appellate Authority that there is a dispute of ownership and the tenancy has not been proved can not be stated to be faulted.

Consequently, the petition is dismissed.

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

13.05.2016*Pooja sharma-I***(AJAY TEWARI)
JUDGE**