

In the High Court of Punjab and Haryana at Chandigarh

CR No.7035 of 2014

Date of decision: March 01, 2016

Gurmit Singh

..... Petitioner

Versus

Harjit Kumar

..... Respondent

CR No.7547 of 2015(O&M)

Date of decision: March 01, 2016

Gurmit Singh

..... Petitioner

Versus

Harjit Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. G.P.S. Bal, Advocate for the petitioner.

Mr. Amit Dhawan, Advocate for the respondent.

1. *Whether Reporters of Local Newspapers 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 order shall dispose of CR Nos.7035 of 2014 and 7547 of

2015, titled as **Gurmit Singh Vs. Harjit Kumar.**

The revision bearing C.R. No.7035 of 2014 has been filed against the order dated 24.09.2014 passed by the Appellate Authority by way of which the appeal filed by the respondent has been allowed and the eviction of the petitioner from the demised premises has been ordered.

The revision bearing C.R.No.7547 of 2015 has been filed against the concurrent judgments of the Courts below evicting the petitioner from the demised premises.

The landlord-respondent had filed one petition for eviction on the ground of non-payment of rent for a particular period and second for the non-payment of subsequent period. In one case, the Rent Controller held that relationship of landlord and tenant was not established and against that the respondent filed an appeal. In the second case, the Rent Controller held that the relationship of landlord and tenant was established and ordered eviction on the ground of non-payment of rent. It is stated that ₹15 lacs is pending as mesne profits in both the cases. The Appellate Authority heard both the appeals and held that the admitted landlord Sarita Sharma had executed a General Power of Attorney in favour of the respondent in which she had assigned the rent to him and even if that General Power of Attorney may or may not have constituted transfer of ownership yet as regards the petitioner is concerned, the respondent became entitled to receive rent from him. Consequently, the learned Appellate Authority upheld that judgment

whereby relationship was established. Since the petitioner had not

deposited the provisional rent despite opportunity having been granted the eviction was ordered.

Learned counsel for the petitioner has argued that the title could not have been passed from Sarita Sharma to the respondent on the strength of an agreement to sell and General Power of Attorney and, therefore, he could not become the landlord.

In my opinion, this argument has been rejected by the Appellate Authority by holding that in any case Sarita Sharma had assigned the rent to the respondent and, therefore, the respondent had become entitled to recover the rent from the petitioner and was therefore to that extent the landlord of the petitioner. Even the provisional rent have not been paid and the relationship has been established.

Consequently, the present petitions are dismissed.

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

(AJAY TEWARI)
JUDGE

March 01, 2016
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