

CR No. 7338 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 7338 of 2016 (O&M)

Date of Decision: November 04, 2016

Parveen Kumar

...Petitioner

Versus

Smt. Kavita & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (Oral):

CM No.22304-CII of 2016

Exemption is granted from filing certified copies of annexures and typed copies of the same are taken on record, subject to all just exceptions.

Application stands disposed of.

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Petitioner has approached this Court challenging the order dated 22.09.2016 passed by the Rent Controller, Patiala, whereby, the application for rejection of the petition preferred by the respondents being infructuous in view of the judgment and decree dated 05.04.2013 passed by the Civil Judge (Junior Division), Patiala, has been dismissed.

It is the contention of the learned counsel for the petitioner that as per the judgment and decree dated 05.04.2013 passed by the Civil Judge

(Junior Division), Patiala, it has been held that Anup Kumar, predecessor in interest of the respondents and proforma defendants, is entitled to 1/8th share in the suit property. Further that the petitioner shall deposit the rent with the Court. He, therefore, contends that it cannot be said that the respondents are the owners of the property and are entitled to maintain the present petition for eviction against the petitioner especially when direction has been issued for deposit the rent with the Court. That apart, he asserts that Anup Kumar has expired and his legal representatives cannot continue with the proceedings which have been filed by them under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. Prayer has, thus, been made for setting aside the impugned order and dismissing the petition preferred by the respondents for eviction of the petitioner.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the records of the case as also the impugned order dated 22.09.2016 passed by the Rent Controller, Patiala.

It is not in dispute that in the written statement which has been filed to the petition for eviction, the relationship of landlord and tenant has not been disputed rather the execution of the rent note dated 24.02.1989 has been admitted, according to which, Atma Ram, who was father of Anup Kumar, had specifically stated in the rent note, as agreed between the parties, that in the absence of Atma Ram, the rent would be paid to Anup Kumar. Accordingly, the respondents are entitled to maintain the present petition for eviction as landlords alongwith they may not be the exclusive

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owners of the premises and therefore, the claim of the petitioner for dismissal of the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, has rightly been rejected by the Rent Controller, Patiala, vide order dated 22.09.2016 (Annexure P-4).

In view of the above, finding no merit in the present revision petition, the same stands dismissed.

November 04, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No