

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2716- 2015

Date of decision: April 06, 2016.

Sukhdarshan Singh

... **Petitioner**

v.

Sarita Goel and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

The petitioner is aggrieved by the order dated 15.4.2015 passed by Sub Divisional Judicial Magistrate, Samrala vide which his complaint was dismissed after recording preliminary evidence, without issuing process to the accused.

I have heard Learned Counsel for the petitioner.

It comes out that according to the complainant himself, one Sarita Goel, accused No.1, was the original owner of the house in dispute and the complainant was a tenant in the said premises and had been paying rent regularly. On 29.4.2004, Sarita Goel sold the said house to Shyam Lal @ Ghansham Bhasin accused No.2. The complainant filed a civil suit against Sarita Goel restraining her from dispossessing him from the suit house in which injunction was granted. Ghansham Bhasin filed an application under Section 13 of

the East Punjab Urban Rent Restriction Act for ejectment of the complainant from the demised premises which is pending and he had also moved application against injunction order, which was declined. Ghansham Bhasin further sold the said house to Vikramjit Singh and others. On 12.2.2010, all the accused, namely, Sarita Goel, who happens to be resident of New Delhi, Ghansham Bhasin, previous owner, resident of Samrala and S.K. Bassist, Advocate forcibly dispossessed the complainant.

I have heard learned counsel for the parties.

At the time of arguments, summoning of S.K. Bassist, Advocate is not pressed stating that he was merely present at the spot.

The lower court while refusing to issue the process under Section 203 Cr.P.C. has taken the view that Sarita Goel had sold the house in 2004. The alleged dispossession is in the year 2010, therefore, it was not believable that after 6 years of the sale of the house, she would come to dispossess the complainant. Similarly, it was observed that since Ghansham Bhasin had also sold the house to Vikramjit Singh, therefore, there is no reason for him to dispossess the complainant. I tend to agree with the view taken by the lower court. Sarita Goel is resident of New Delhi and there is no reason for her to come all the way from New Delhi to Samrala after six years of the sale of the house to dispossess the previous tenant. Similarly, Ghansham Bhasin has already sold the house and he is no more interested against the tenant, thus, there is no reason for him to

dispossess the tenant. Furthermore, no complaint has been filed against subsequent owner Vikramjit Singh. There are oral statements of the complainant and two witnesses and the circumstances stated were rightly disbelieved.

No merit.

Dismissed.

April 06, 2016.
kadyan

[Kuldip Singh]
Judge