

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of Decision:-12.07.2017

CR No.1991 of 2017(O&M)

Narinder Singh.

.....Petitioner.

Versus

Rajiv Aggarwal & Anr.

.....Respondent.

2

CR No.1992 of 2017(O&M)

Narinder Singh.

.....Petitioner.

Versus

Rajiv Aggarwal & Anr.

.....Respondent.

3

CR No.1993 of 2017(O&M)

Narinder Singh.

.....Petitioner.

Versus

Rajiv Aggarwal & Anr.

.....Respondent.

4

CR No.1994 of 2017(O&M)

Narinder Singh.

.....Petitioner.

Versus

Rajiv Aggarwal & Anr.

.....Respondent.

5

CR No.1995 of 2017(O&M)

Narinder Singh.

.....Petitioner.

Versus

Rajiv Aggarwal & Anr.

.....Respondent.

AND

CR No.1996 of 2017(O&M)

Narinder Singh.

.....Petitioner.

Versus

Rajiv Aggarwal & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. V.K. Sandhir, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

By this common order I shall dispose of all the aforesaid six revision petitions as the parties are same but the demised premises are different. In all the petitions, the petitioner(tenant) has been ordered to be evicted from the respective demised premises on the ground of non payment of rent as he has denied the relationship of landlord and tenant with respondents.

Learned Counsel for the petitioner has raised following arguments:-

- “ 1. *That the respondents (alleged landlords) have not been able to prove the relationship of landlord and tenant and, therefore, the findings returned by the Authorities below to the contrary are perverse and liable to be set aside;*

2. *He has further argued that as per judgment and decree dated 27.02.2009 (P-4), the Civil Court has held that the property belongs to the Trust and consequently, the petitioner is tenant under the Trust.*

3. *It is also argued that the Sale Deed dated 10.01.2011(P-9) purportedly executed by Krishna daughter of Lal Chand in favour of the respondents is not valid because the property belongs to the Trust and is not the private property of Krishna daughter of Lal Chand.*

4. *Lastly it has been argued that after the decision of the eviction decree, during the pendency of the appeal before the Appellate Authority, Tarn Taran, Krishna Aggarwal has filed a suit for declaration of ownership of the Trust (Annexure P-12) which is still pending consideration.* ”

I have heard learned Counsel for the petitioner at length and have minutely perused the record with his able assistance and am of the considered view that the present revision petitions are devoid of any merit and deserves to be dismissed.

The main question that arises for consideration is as to whether there exists relationship of landlord and tenant amongst the parties to the present *lis* or not.

Qua this aspect it is apparent from the record that originally the property belonged to Bishamber Nath Gupta, who died intestate leaving behind his sister namely Krishna Aggarwal as the sole legal heir. It is the

allegation of the petitioner (tenant) that Sh. B.N. Gupta had executed an unregistered Trust Deed dated 15.05.1998 (**Mark-1**) purportedly by the name of B.N. Gupta Charitable Trust. However, the original of the said Trust Deed has not seen the light of the day and on this ground itself both the Courts have rightly held that there is no concrete proof regarding the existence of the said Trust Deed, especially when the said Trust Deed is an unregistered document and, therefore, contrary to the provisions of the Indian Trust Act. Furthermore, it has also come on record that there has been no evidence at all by the tenant to show that any of the members of the said alleged Trust Deed had ever implemented the scheme of the Trust. Not only this, it has also not come on record that the authority of Krishna Aggarwal to execute the sale deed in favour of respondents was ever challenged by any of the members of the alleged Trust Deed. In this view of the matter, the existence and validity of the document is itself in a cloud in the present case in hand and, therefore, the Courts have rightly declined to consider the Trust Deed dated 15.05.1998.

As far as the reliance of the learned Counsel for the petitioner on the judgment dated 27.02.2009 (**P-4**) is concerned, it is apparent that the Court has not opined upon the existence or validity or otherwise of the B.N. Gupta Charitable Trust. Rather, the said matter was decided on the basis of compromise affected between the parties. Thus, the said judgment and decree dated 27.02.2009 does not, in any manner, come to the aid of petitioner.

Even otherwise, the petitioner is estopped by his own act and conduct to challenge the status of respondent as a landlord, in view of the rent receipts Ex.P-5 to P-9 issued by Krishna Aggarwal in favour of

petitioner (tenant). Krishna Aggarwal is none else but the predecessor in interest of the present respondents (landlords). In case it is assumed that Krishna Aggarwal had no right of ownership still, she was a landlord of the present petitioner and through the sale deed dated 10.01.2011, the rights over the demised premises (including the rights to receive rent) from the tenant have atleast been transferred in favour of respondents. Thus, this Court has no doubt in its mind that for the purpose of adjudicating the relationship amongst the parties, present respondents are definitely the landlord of petitioner and thus the Courts below had rightly held that there exists relationship of landlord and tenant amongst them.

Another factor that has weighed in the mind of this Court is the numerous admissions made by the tenant-Narinder Singh in his cross examination whereby he has admitted that at the time of death of Bishamber Nath Gupta, there was only one legal heir i.e. Krishna Aggarwal (sister of B.N. Gupta). He has further admitted that right of Krishna Aggarwal has not been challenged in any Court of law till date. The petitioner infact has gone to the extent of admitting that half of the property is owned by Rajiv Aggarwal and the remaining half is owned by Naresh Aggarwal. Hence, to the mind of this Court, the petitioner has no right to challenge the locus standi of either Krishna Aggarwal or of Rajiv Aggarwal and others over the demised premises, especially when he himself has admitted respondent no.1 to be a co-sharer of the demised premises.

It is settled position of law that while exercising jurisdiction under the provisions of Rent Act, the Court is only required to satisfy itself as to whether there exists a relationship of landlord and tenant amongst the parties. The Rent Authorities have no jurisdiction to adjudicate the title of

a party claiming himself to be a landlord. Mere pendency of a title suit amongst the owners/landlords does not give any right to the tenant to seek a stay on his eviction till there is a positive adjudication of title. The tenant is bound by the commitment made by him with his landlord and in case he has denied the very basis upon which he entered into the property, he does not deserve any kind of leniency from the Courts.

By applying the said principle in the present case, there remains no doubt about the existence of relationship of landlord and tenant amongst the parties and the arguments that have been raised by learned Counsel for the petitioner are accordingly answered in negative due to the aforementioned discussion.

In view of the foregoing discussion, finding no merit in all the aforesaid revision petitions the same are hereby dismissed being devoid of any merit.

(JASWANT SINGH)
JUDGE

July 12, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>