

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.3076/2014

Date of decision:05.07.2017

K.S.Gill

.....Petitioner

v.

Ashok Setia

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Dhawal Bhandari,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

Petitioner-landlord is in revision against the orders dated 23.10.2010 and 15.11.2013 passed by learned Rent Controller, and learned lower Appellate Court,Chandigarh respectively whereby petition under Section 13 of the East Punjab Urban Rent Restriction Act,1949 for eviction of respondent-tenant on the ground of non-payment of rent was dismissed by the learned Rent Controller and the appeal filed by the petitioner-landlord was dismissed by learned Appellate Court.

Heard learned counsel for the petitioner-appellant and perused the orders impugned herein.

Both the Courts below on the basis of documentary as well as oral evidence have found that petitioner-landlord had alleged tenancy @ Rs.15000/- per month based upon rent agreement P2

allegedly got executed on 15.4.2003. However, it was found that on the backside of stamp paper the date of issuance was 3.6.2003 , i.e., after the execution of the agreement in question. Further though the rent agreement was allegedly executed for a period of three years commencing from 15.4.2003 to 14.4.2006 but it was under-stamped and unregistered which is contrary to the provisions of Section 107 of Transfer of Property Act. Thus the rent agreement, relied upon by the petitioner-landlord was disbelieved by the Courts below. On the other hand, respondent-tenant had claimed tenancy @ Rs.8000/- per month and denied to be in arrears of rent. Further, he in his income tax returns had reflected payment of monthly rent @ Rs.8000/-. Thus, the petitioner-landlord had miserably failed to make out a case for ejectment of the respondent-tenant.

At the time of hearing, learned counsel for the petitioner has not been able to point out any illegality or perversity in the findings of fact recorded by the Courts below.

Dismissed.

05.07.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No