

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

Date of decision: 12.09.2017

**CM No.15727-CII of 2016 in/&
CR No.5090 of 2016**

Chet Ram

...Petitioner

Vs.

Shivala Shri Sita Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Manpreet Kaur, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. I have read the application under Section 5 of the Limitation Act for condoning the delay of 418 days in filing the revision petition beyond the period prescribed for remedy under the Punjab Rent law. No sufficient explanation or valid cause for delay has been shown, which prevented the petitioner from approaching the Court within the time prescribed. No material facts have been pleaded to justify the reason as to how the delay was caused and the gaps in the dates and events in the pleadings are far too wide to fill the spaces between actions taken in the present form of the application. The delay is not bonafide.

2. I have examined the case on merits as well, but find nothing therein, which may require interference in the orders passed by the Rent Controller, Jagraon and the Appellate Authority, Ludhiana. The petitioner is a tenant, who has not been able to demonstrate any right whatsoever as against the landlord despite challenge that the original petitioner was not the landlord of the shop in which the present petitioner has been doing business from for the long duration of the tenancy. The property appears to be located

in a temple area of a Dera. The petitioner has asserted that he is doing the business of shuttering and the only argument raised by the tenant at the time of hearing is that the property is owned by the State and it is only the State which can proceed to evict the petitioner, but not the Shivala Shri Sita Ram etc.

3. The eviction petition is filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, inter alia, on the ground of non-payment of rent. When put a query, learned counsel frankly admits that the petitioner has not paid rent to anyone so far. The petitioner also failed to produce the Shajra Akash or any other document to prove the description and the identity of the property in dispute to lay claim upon it as tenant. Eviction under the rent law is not determinative of status of tenancy. It was a permissible mode adopted by the landlord to regain possession of the premises occupied by the petitioner.

4. I have no reason to interfere with the findings recorded concurrently by the Rent Controller and the Appellate Authority, and would dismiss the application under Section 5 of the Limitation Act as well as the main petition as wholly devoid of merit.

12.09.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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