

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

Sr. No. 110

CR-4856-2017 (O&M)

Decided on : 27.07.2017

Ishwar Kumar and others

..... Petitioners

VERSUS

Chhinderpal Singh and others

..... Respondents

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.Ashish Gupta, Advocate, for the petitioners.

Mr.Digvijay Nagpal, Advocate, for the caveators-respondents.

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DEEPAK SIBAL, J. (ORAL)

The respondents-landlords sought the eviction of the petitioners from the shop bearing Municipal No.1X/372, situated opposite Gurudwara Singh Sabha, Near Cooperative Bank, Main Bazar, Moga (for short 'the shop in question') on the ground that the petitioners were in arrears of rent; the shop in question had become unfit and unsafe for human habitation and that the respondents needed the shop in question for their own use and occupation.

Upon notice, the petitioners appeared before the Rent Controller, Moga and denied the above grounds on the basis of which their eviction was sought. It was further denied that the respondents were the owners of the shop in question and, therefore, it was submitted that they had no locus to seek their eviction.

The Rent Controller as also the Appellate Authority, after sifting of evidence which had come on record and on consideration of the pleas raised by either side found merit in the case of the respondents and, therefore, ordered the eviction of the petitioners from the shop in question.

Learned counsel for the petitioners does not challenge the findings recorded by the Rent Controller as also of the Appellate Authority on the issues that

the shop in question is needed by the respondents for their own personal use; the shop in question has become unfit and unsafe for human habitation as also on the issue whether the petitioners were in arrears of rent. He, however, assails the concurrent findings recorded by the Rent Controller as also the Appellate Authority that the shop in question was owned by the respondents. It is submitted that the landlord of the petitioners was one Satdev Sood and thus, there being no established relationship of landlords and tenants between the respondents and the petitioners, no order evicting the petitioners from the shop in question, could have been passed at the instance of the respondents.

After hearing learned counsel for the petitioners as also the learned counsel for the caveators-respondents, I am of the opinion that the present petition must fail.

It is true that the shop in question was earlier owned by one Satdev Sood but the same was sold by him to the respondents through sale deed dated 27.04.2001 which was not only got exhibited by the respondents as Ex.A23 but was also proved through depositions of respondent No.1-Chhinderpal Singh (AW-8) and one Rakshpaul (AW-7), who was the marginal witness to the sale deed. Rakshpaul (AW-7) further went on to depose that Jaswant Singh Nambardar and Budh Ram, who were the other attesting witnesses, had appended their signatures upon the afore-referred sale deed in his presence and that Satdev Sood had put his signatures on the same only after receiving the sale consideration from respondent No.1-Chhinderpal Singh. Both the afore referred witnesses were subjected to lengthy cross-examination but the same yielded nothing which would support the petitioners' case.

The Appellate Authority has specifically noted that not even a suggestion was put by the petitioners to the above witnesses questioning their ownership of the shop in question. Nothing in that regard has been shown to me as well.

The Rent Controller as also the Appellate Authority have found the petitioners to be owners of the shop in question and thus, establishing the relationship between the respondents and the petitioners as landlords and tenants respectively. In view of what has been observed above, I find no reason to interfere with the above concurrent findings.

Dismissed.

27.07.2017  
shamsher

Whether speaking/reasoned  
Whether reportable

:

:

[ DEEPAK SIBAL ]  
JUDGE

Yes / No  
Yes / No