

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

(1) **Civil Revision No. 5331 of 2014 (O&M)**
Date of Decision: 16.08.2017

Gunvaneet Kaur and others

..... Petitioners/Landlords

Versus

Doaba Tent House

..... Respondent/Tenant

AND

(2) **Civil Revision No. 5332 of 2014 (O&M)**

Gunvaneet Kaur and others

..... Petitioners/Landlords

Versus

Doaba Tent House

..... Respondent/Tenant

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikas Bahl, Sr. Advocate assisted by
Mr. Nitish Garg, Advocate
for the petitioners-landlords (in both cases).

Mr. Anil Shukla, Advocate
for the respondent-tenant (in both cases).

JASWANT SINGH, J. (ORAL)

CM No. 16984-CII of 2017 in
CR No. 5331 of 2014

Present application has been moved by the applicant-
Bhupinder Singh for being impleaded as LR of late Kashmira Singh.

It is stated that Kashmira Singh has died on 13.12.2016
leaving behind his son/applicant and daughter-Kulwinder Kaur as the only
legal representatives. The details of daughter-Kulwinder Kaur have been
mentioned para No. 3 of the application, however, has been sought to be
impleaded as proforma respondent No. 2 (ii) as perhaps her power of
attorney could not be obtained. Thus, it is submitted that for the purpose of

present litigation, applicant-Bhupinder Singh be impleaded as legal representative of Kashmira Singh.

Keeping in view the fact, present application is allowed subject to just exception and for the purpose of pursuing the present civil revision.

Amended memo of parties is taken on record.

MAIN CASE(S)

This common order shall dispose of the aforementioned two revision petitions as the same have arisen out of same order passed by the Courts below.

The legal representatives of the original landlord-Maninder Singh are in revision directed against the order dated 02.05.2014 passed by the Appellate Authority, Chandigarh.

The facts in brief are that the original owner-Smt. Harbhajan Kaur of the demised premises comprising SCF No. 24, Sector-9, Chandigarh, inducted Kartar Singh, the sole proprietor of Doaba Tent House, as a tenant in the year 1989. The said Kartar Singh died leaving behind his legal representatives and one of his son Kashmira Singh to control the entire business of Doaba Tent House in the demised premises.

Sh. Maninder Singh, the present landlord is stated to have purchased the property from the original owner vide sale deed dated 08.12.2000 (Ex. P-1). He subsequently filed an eviction petition on 19.01.2002 seeking eviction on the ground of '*non-payment of rent*' and '*personal necessity*' of the landlord. In the written statement, inter alia, the relationship of the landlord and tenant was denied.

17.02.2012 decided the issue of the landlord and tenant in favour of the landlord, while declining the plea of personal necessity of the landlord. Consequently both the parties filed appeal before the learned Appellate Authority, Chandigarh, whereby vide order dated 02.05.2014, the findings *qua* landlord and tenant relationship recorded by the Rent Controller, Chandigarh in favour of the landlord were set aside and the issue of personal necessity was not touched in the light of the other issue having being decided against the landlord. In the appeal filed by the tenant, the landlord was directed to refund the amounts of rent receipt under the orders of the Court. Hence, the present two appeals filed by the legal representatives of original landlord-Maninder Singh.

Learned counsel for the parties have been heard.

Although great emphasis is being laid down by the counsel for the respondent/tenant regarding the manner of acquisition of the title by the landlord-Maninder Singh, however, the conceded fact is that there is a registered sale deed dated 08.12.2000 (Ex. P-1) on record, whereby Maninder Singh became the owner of the demised premises.

It is not in dispute that a mutation also has been entered in the office of Estate Office, Chandigarh, recording title of Maninder Singh based on the sale deed (Ex. P-1). Therefore, Maninder Singh and after his demise, his legal representatives have become natural landlords being owner of the demised premises. It is settled law that in rent proceedings, the manner of acquisition of title cannot be gone into, moreso, when nobody has come forward to challenge the title of Maninder Singh acquired pursuant to the sale deed Ex. P-1. It is not the case of the tenant/respondent that anybody

Court finds that the findings recorded by the Appellate Authority on the issue of the landlord and tenant cannot be sustained and, therefore, hereby set aside.

Since the issue of personal necessity was not decided by the Appellate Authority, Chandigarh, therefore, the matter is remanded back to the Appellate Authority to be decided afresh, and adjudicate the ground of personal necessity.

In view of the above, both the appeals are allowed in the aforesaid terms, the parties are directed to appear through their counsel before the Appellate Authority concerned on **23.10.2017**.

August 16, 2017

'dk kamra'

**(JASWANT SINGH)
JUDGE**

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