

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

CR No.5570 of 2017(O&M)

Date of Decision:-21.08.2017

Hardeep Singh & Anr.

.....Petitioners.

Versus

Parminder Singh & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Atul Jain, Advocate for the Petitioners.

JASWANT SINGH, J (ORAL)

Petitioners (tenants) are in revision aggrieved against the judgment dated 24.12.2014 passed by Rent Controller, Samana who has ordered the eviction of the petitioners on the ground of non payment of rent and the said findings have been affirmed by Appellate Authority, Patiala vide its judgment dated 03.07.2017.

Learned Counsel for the petitioners has argued that the respondents (landlords) have miserably failed to prove their ownership over the demised premises. He has further argued that perusal of the judgments passed by the Authorities below would show that they have given a categorical findings that respondents (landlords) have not been able to establish their ownership by proving any document of title, however, still they have illegally held the petitioners to be tenants on the basis of an alleged bonafide admission made by them in a separate civil suit filed by

them for permanent injunction against the present respondents. He has further argued that in case the denial of relationship of landlord and tenant is bonafide on the basis of reasonable apprehension of a genuine dispute qua the fact as to who is the actual landlord then, the Authorities below could not have straightway ordered the eviction of the petitioners and ought to have granted sufficient time for deposit of rent by passing a conditional order. In support of his argument he has placed reliance upon **2015(4) RCR (Civil) 156 Raghubir Chand Mahajan Vs. Indian Bank**. Thus it has been argued that the findings of the Authorities below are bad and liable to be set aside.

After hearing learned Counsel for the petitioner and perusing the paper book this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

Admittedly, the petitioners (tenants) had taken this property on rent from Ranjit Singh (father of the present respondents). It is also not in dispute that the petitioners herein had filed a suit for permanent injunction against the present respondents, whereby, they had admitted the respondents to be the owners of the property. The said document has been proved on record as Ex.R-2. To the mind of this Court such an admission on part of petitioners clinches the entire issue and it is proved beyond doubt that there exists a relationship of landlord and tenant amongst the parties. It is settled position of law that question of title is not required to be decided by the Rent Authorities and only a finding is required to be returned on the basis of evidence as to whether the applicant of the ejectment application is the landlord or not of the demised premises. In view thereof, the findings recorded by the Authorities below on this aspect are affirmed.

As far as the second argument qua grant of time to the petitioners for deposit of rent is concerned, it goes without saying that had the petitioners come to the court with clean hands and admitted the relationship amongst the parties, they could have been granted time to deposit the rent in terms of judgment passed by Hon'ble Supreme Court in **Rakesh Wadhawan Vs. M/s Jagdamba Industrial Corporation 2002 (1) RCR Rent 514**. However, in the present case the petitioners have blown hot and cold in the same breath. In separate civil proceedings they admit respondents to be their natural landlords and in the present petition, they deny the title of the respondents and escaped their liability to pay rent by forcing the Rent Controller to not assess the rent provisionally. Hence they cannot be granted any time to pay the amount and consequently the order of eviction is legally sustainable. The judgment relied upon by learned Counsel for the petitioners is clearly distinguishable on facts and does not come to their rescue.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 21, 2017
Vinay

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