

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

102

CR No.8564 of 2016

Date of decision: 31.01.2017

Tripta Joshi & others

....Petitioners

Versus

Almudin Saifi

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Piyush Kant Jain, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Challenge by the petitioner-tenants is to the order dated 27.10.2016 (Annexure P4), whereby the Rent Controller, Ludhiana has dismissed the application under Order 7 Rule 11 CPC for rejection of the ejectment application. The tenants' application was based on the ground that there was no relationship of landlord-tenant and there was no title with the landlord and it was only on the basis of an agreement to sell in favour of the respondent-landlord. The application has been dismissed on the ground that there is a sale deed dated 21.09.2016, in lieu of the agreement to sell and accordingly, the application has been dismissed.

Counsel for the petitioners has vehemently contended that in the absence of any relationship of landlord-tenant, the order is not justified.

In the opinion of this Court, this argument is liable to be rejected. Firstly, the provisions of CPC are not applicable to the rent proceedings and only the basic principles are applicable. Secondly it is settled principle that the case is not liable to be thrown out at the threshold, as rejection of the petition is a very extreme step and it is not to be resorted to ordinarily. It will always be open to the petitioner to take his plea by proper pleadings before the Rent Controller, who would decide the disputed issues on the basis of pleadings and evidence.

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-2-

Needless to say that any observations which have been made would not bind the parties at the subsequent stage, once the evidence is brought on record.

Dismissed.

January 31st, 2017

Sailesh

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

**(G.S. SANDHAWALIA)
JUDGE**