

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 25.09.2017****CR No.936 of 2017 (O&M)**

Gurmeet Singh

...Petitioner

Vs.

Charanjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. D.S.Gandhi, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The landlord has approached this Court against concurrent orders passed by the Rent Authorities dismissing his application under Section 13 of the East Punjab Rent Restriction Act, 1949 (for short 'the Act') proving the contested fact that there was no relationship between the landlord and tenant. The petitioner was unable to prove that rent was paid and receipts were issued. If there was no relationship of landlord and tenant between the parties, the provisions of the Act would not apply and remedy, if any, would lie elsewhere.

The action has failed before the Rent Authorities and I have no reason to differ with the findings of fact recorded by both the Authorities under the Rent Act. Having failed under the Rent Act, it is always open to the landlord to claim possession in accordance with law before the proper forum exercising jurisdiction, if advised. Grant of such liberty satisfies the counsel for the petitioner.

As a result, the instant petition is dismissed with liberty as above.

However, no opinion is expressed on the maintainability of legal recourse which may be adopted as per law. Availability of relief will depend on the wisdom of the Forum where future action may be brought by the landlord against the respondent. Likewise, respondent would have his defence pleas as law provides in protection, in case the action is instituted against him.

25.09.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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