

**CR- 1065 of 2018(O&M)**  
**Date of Decision: 16.2.2018**

**United Bearing and Mill Store and another**

**---Petitioners**

**versus**

**Cecil Hotel and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Gurinder Singh, Advocate  
for the petitioners**

**\*\*\***

**Rekha Mittal, J.**

The present petition directs challenge against order dated 23.1.2018 passed by the Rent Controller, Ambala whereby application filed by the petitioners/tenants for framing an issue 'whether there exists relationship of landlord and tenant between the petitioner and respondent' and treating the same as a preliminary issue, has been dismissed.

Counsel for the petitioners has submitted that as lease deed in favour of the respondents has been cancelled by the State of Haryana in the Department of Urban Local Bodies, Haryana and wrote letter dated 31.7.2002 qua termination of lease of Survey No. 173 vide Benglow No. 127, Cecil Hotel, Ambala Cantt, there exists no relationship of landlord and tenant between the parties, therefore, a specific issue in this regard is required to be framed and the same may be treated as a preliminary issue.

I have heard counsel for the petitioners, perused the paper book particularly the written statement (Annexure P-4), application for recasting of issue (Annexure P-5) and the order impugned but find that the present petition is highly misconceived and liable to be rejected.

Perusal of the written statement filed by the petitioners nowhere indicates that they have denied relationship of landlord and tenant between the parties though they have denied execution of Licence Deed dated 28.8.2001. Once the petitioners have not denied relationship of landlord and tenant between the parties, they cannot be permitted to raise an issue with regard to any dispute between the respondents and the government qua the alleged lease or cancellation thereof. As per the settled position in law, a tenant has no locus to raise the question of title of the landlord. In this view of the matter, I do not find an error much less illegality in the order impugned warranting intervention by this Court.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

**(Rekha Mittal)**  
**Judge**

**16.2.2018**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No