IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-.-

Civil Revision No. 1574 of 2018
Date of decision: 09.03.2018

Subash Chand Chawla ..... *Petitioner*

Versus

Ravinder Singh .....*Respondent*

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

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Present: Mr. Arun Takhi, Advocate
for the petitioner

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Rekha Mittal, J. (Oral)

The present petition directs challenge against consistent findings recorded by the Courts whereby application for eviction filed under Section 13 of the Haryana Urban Control of Rent and Eviction Act, 1973 (in short, 'the Act') has been allowed by the Rent Controller, Faridabad vide order dated 09.12.2016 and order passed by the Rent Controller has been affirmed in appeal by the Appellate Authority.

The sole submission made by Counsel is that as there was dispute with regard to rate of rent of the premises in question, the same was required to be decided by the Courts but they have failed to do so.

Perusal of the judgments passed by the Courts would reveal that the respondent sought eviction of the petitioner on twin grounds i.e. non-payment of rent and personal necessity of the respondent/landlord. The present petitioner denied relationship of landlord and tenant between the parties, therefore, issues No. 1 and 2 were framed by the Rent Controller in the following terms:

(1) Whether the respondent is a tenant of petitioner? OPP

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(2) Whether the demised premises has been given to the respondent? OPP

Both these issues were answered against the petitioner/tenant by the Rent Controller and eventually, application for eviction filed by the respondent/landlord was allowed on both the grounds i.e. non-payment of rent and bona fide personal necessity of the respondent/landlord.

As the petitioner had denied relationship of landlord and tenant between the parties and it is none of his plea that he has already paid rent to the respondent, held to be landlord, he cannot challenge the ejectment order merely on the ground that the Courts have not determined rate at which the rent is payable by the petitioner/tenant. Counsel for the petitioner has not advanced any arguments to challenge consistent findings accepting plea of the respondent that there exists relationship of landlord and tenant between the parties. In this view of the matter, I find no reason to differ with the findings recorded by the Courts ordering eviction of the petitioner, in exercise of limited revisional jurisdiction. However, in case the respondent/landlord files a suit for recovery of rent, the petitioner would be at liberty to raise an issue with regard to rate of rent if so permitted in law.

For the foregoing reasons, the petition fails and is accordingly dismissed *in limine*. No order as to costs.

(Rekha Mittal)
Judge

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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No

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