

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CR No. 205 of 2014
Date of Decision : 05.02.2018

Rajan KumarPetitioner

Versus

Municipal Council GarhshankarRespondent

2. CR No. 206 of 2014

Ravan Kumar @ Raman KumarPetitioner

Versus

Municipal Council GarhshankarRespondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepak Verma, Advocate
for the petitioners in both the petitions.

Surinder Gupta, J.

Above cited revision petitions have been taken up together as the common question of law has been raised by learned counsel for petitioners in both these revisions.

Revision petitioners were ordered to be ejected from the demised premises on the ground of non-payment of rent, as they denied the status of respondent-Municipal Council, Garhshankar as their landlord. Both revision-petitioners in their statements have admitted that they have taken the demised shop on rent from Municipal Council, Garhshankar and paid rent to it upto the year 2000. While petitioner Ravan Kumar (CR-206-2014) has stated that he took the demised shop on rent from Municipal Council, Garhshankar in the year 1996, petitioner-Rajan Kumar (CR-205-2014) has stated that he had taken the shop from the Municipal Council, Garhshankar in the year 1992 and paid rent upto the year 2000.

Learned counsel for petitioners has argued that the dispute revolves

no. 593/1, which is owned by Punjab Wakf Board. Courts below have discarded this plea raised by petitioners as not proved and observed that execution of rent note by petitioners in favour of Municipal Council, Garhshankar is duly proved and they have never surrendered possession in favour of landlord and relationship of landlord and tenant continues till tenant vacates the demised premises.

Even if contention of learned counsel for petitioners that Wakf Board is owner of land bearing *khasra* no. 593/1 and the demised shops are built up on the land bearing aforesaid *khasra* number, is believed (though so not proved on record), still the relationship of petitioners as tenant of Municipal Council, Garhshankar continues till petitioners surrender possession of the shop to its landlord (Municipal Council). Learned counsel for petitioners has not cited any law to the contrary.

I find no reason to interfere with findings of learned Rent Controller and the Appellate Authority that relationship of landlord and tenant continues till the tenant surrenders possession of tenanted premises to landlord.

These revision petitions have no merit and are dismissed.

February 05, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No