

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

CR No.2807 of 2015 (O&M)

Date of Decision:13.08.2018

Rupinder Singh

...Petitioner

Versus

Amarjit Kaur

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.S.S.Chahal, Advocate for
Mr.S.S.Rangi, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The petitioner-tenant is in the revision petition against the order of eviction passed by the learned Rent Controller, affirmed in appeal.

Learned counsel for the petitioner-tenant has argued that the relationship of landlady and tenant is not proved as admittedly Wakf Board is owner of the property. He has further submitted while referring to the statement of landlady Smt.Amarjit Kaur, that the property was mortgaged in favour of both of the petitioner.

The learned trial court has referred to the statement of petitioner, wherein he admitted that Davinder Singh son of Pakhar Singh had leased out the property and brother of the petitioner used to pay rent to Bhupinder Singh and Amarjit Kaur through cheque till the year 2004.

Learned counsel for the petitioner did not dispute that such admission has been made by him while appearing in the evidence. Admission is the best piece of evidence. Once the petitioner admits relationship of landlady and tenant, he cannot thereafter turn around and plead that there is no relationship. It is well settled that in the rent proceedings, the proceedings are to be determined on the basis of

relationship of landlord and tenant and landlord is not necessarily required to be owner of the property. The courts have found that the tenant is not even paid the due rent. Still further, it is the case of the tenant that mortgage was created in the year 1994 for a sum of Rs.5,000/- only. It is apparent that the mortgage was only to circumvent protection available to the tenants under the rent laws.

In view thereof, there is no ground to interfere. The present civil revision petition is dismissed. Pending application(s), if any, shall also stand disposed of.

13.08.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No