

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

**Civil Revision No.3287 of 2018 (O&M)
Date of decision: 16.05.2018**

Manoj Gakhar

.....Petitioner

Versus

Pushpinder Pal and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rishabh Gupta, Advocate,
for the petitioner.

Ritu Bahri, J.

Manoj Gakhar-petitioner (tenant) has filed this petition against the order dated 09.05.2018 (Annexure P-5) passed by the Rent Controller, Bathinda, whereby his application for dismissing the Ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, has been dismissed.

Case pleaded by the petitioner was that the demised premises was earlier on lease with M/s Street Cafe, Bathinda, which was a partnership firm. The said tenancy came to an end on 30.09.2015. Thereafter, vide registered lease deed No.5127 dated 20.11.2015, the premises in dispute has been rented out to Manoj Gakhar-petitioner, who is sole proprietor of M/s Amantran. He was also a partner in the earlier firm, but now he was a sole proprietor of the firm. Hence, the new tenancy came into existence vide

registered lease deed No.5127 dated 20.11.2015. He further pleaded that as per Punjab Rent Act, which came into force w.e.f. 30.11.2013, there can be no legal and valid tenancy in Punjab, except through registered lease deed. Since this lease deed dated 20.11.2015 was not registered, hence, the eviction application was liable to be dismissed.

While dismissing the application, learned Rent Controller has held that tenant-petitioner Manoj Gakhar has been a tenant in a partnership firm from 01.09.2008 and only the name of the firm has been changed in the year 2013. Provisions of the new Punjab Rent Act, which came into force w.e.f. 30.11.2013, will not have any effect on the present case as no new tenancy has been created on 20.11.2015. As per new lease deed dated 20.11.2015, it is only continuation of the old lease deed as Manoj Gakhar-tenant was a partner in the earlier partnership firm. Now, he is a sole proprietor in the new firm i.e. M/s Amantaran. There was no mentioning in the fresh lease deed dated 20.11.2015 that possession of the demised premises was ever surrendered or regained by tenant-Manoj Gakhar.

Learned counsel for the petitioner has referred to the lease deed (Annexure P-6), which was executed on 21.11.2015. In this lease deed, it has been mentioned that the premises was already on lease with M/s Street Cafe, Bathinda, which was a partnership firm and was taken on rent by the present lessee i.e. Manoj Gakhar. Since the said firm has been dissolved, now the lessee has started same business in the demised premises under the name & style "M/s Amantaran" being its sole proprietor and he wants to continue with the tenancy of the demised premises after the expiry of previous term of tenancy, which would end on 30.09.2015. The lessors had agreed to give the demised premises (building) on lease to the lessee in his

individual capacity w.e.f. 01.10.2015 and to avoid any controversy and complication in future among the lessors and the lessee, it was decided to reduce fresh terms and conditions of the lease into writing.

After going through the lease deed (Annexure P-6), it is apparent that even the earlier tenancy was also executed with the present petitioner (Manoj Gakhar) and since the said firm had been dissolved, the premises in dispute was again leased out to Manoj Gakhar in his individual capacity. Hence, it was a continuation of old lease deed and the premises in dispute was never surrendered by tenant-Manoj Gakhar to the lessors (respondents herein). New lease deed 20/21.11.2015 (Annexure P-6) would not be termed as fresh lease deed. Hence, it shall not be covered by the new Punjab Rent Act, which came into force w.e.f. 30.11.2013.

In the light of the above discussion, having examined the impugned order, no illegality, much less perversity has been found therein, warranting interference by this Court.

No merits.

Dismissed.

16.05.2018
ajp

(RITU BAHRI)
JUDGE

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