

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

CR No. 4844 of 2004

Date of Decision:10.12.2018

Pehlad Singh

.....Petitioner

Versus

Moti Rai and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None for the petitioner.

Mr. Pankaj Jain, Advocate
for the respondents.

LISA GILL, J.

This petition has been filed challenging order dated 14.06.2001, passed by the learned Rent Controller, Palwal, as well as order dated 23.03.2004, passed by the learned Appellate Authority, Faridabad.

None appears on behalf of the petitioner, despite being notified by the Registry of this Court.

Petitioner filed petition under Section 13 of the Haryana Urban Control of (Rent and Eviction) Act, 1973 seeking eviction of respondent no.1.

Petition was contested by respondent no.1 disputing the relationship of landlord and tenant between them. It was specifically averred that the property in dispute fell to the share of the petitioner's brother namely Rohtas son of Sohan Lal. Moreover, the property in dispute was sold by Rohtas to Sat Parkash Singh, who was subsequently impleaded as party to the petition.

Learned Rent Controller, Palwal, dismissed the petition on the

ground that the petitioner had failed to prove the relationship of landlord and tenant between the parties.

Appeal filed by the petitioner was also dismissed by the learned Appellate Authority, Faridabad.

Aggrieved therefrom, present petition has been filed.

The petitioner, in his cross-examination admitted the factum of a family settlement between him, his four brothers and their mother in the year 1976. It is further admitted that the disputed shop fell to the share of his brother Rohtas in the year 1976, who became the absolute owner of the said shop. It is not in dispute that no rent deed was ever executed between him and the tenant. Property in question was further sold to Sat Parkash Singh-respondent no.2 on 18.10.1994 vide registered sale deed by his brother Rohtas, though, the petitioner pleaded ignorance about the sale of the demised premises by his brother Rohtas in favour of Sat Parkash Singh-respondent no.2. It is a matter of record that the property in question was indeed sold vide registered sale deed on 18.10.1994 by Rohtas to Sant Parkash Singh.

No ground whatsoever, is made out to interfere with the impugned order dated 14.06.2001, passed by the learned Rent Controller, Palwal as well as order dated 23.03.2004, passed by the learned Appellate Authority, Faridabad, by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed with no order as to cost.

10.12.2018
s.khan

[LISA GILL]
Judge

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