

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CR No.493 of 2013 (O&M)

Date of decision: 29.10.2018

Balmukand

..... Petitioner

Versus

Kinno and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Virendra Rana, Advocate
for the petitioner.

Mr. Nipun Vashist, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Landlord-petitioner is in the revision petition against the order passed by the learned Appellate Authority reversing the order of eviction and dismissing the petition filed seeking eviction of the respondents. It will be noted that in the present case, the alleged landlord has neither proved relationship of landlord and tenant between the parties nor has proved his ownership. No doubt, in the previous suit, the respondent-tenant also could not prove his ownership, however, his possession over the property in dispute is not being disputed. Learned Appellate Authority has found that neither it is proved as to when the respondent was inducted as a tenant nor payment of rent ever has been proved. The petitioner claims that he is owner on the basis of the sale deed Ex.AW-2/1. The aforesaid sale deed is not registered.

Before eviction order is passed under the provisions of

Haryana Urban (Control of Rent and Eviction) Act, 1973 is ordered, it is required to be established that there is a relationship of landlord and tenant between the parties. Since the petitioner-landlord has failed to establish that fact, the Appellate Authority has rightly dismissed the petition while reversing the judgment of the learned Rent Controller.

Hence, there is no ground to interfere.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Revision petition is dismissed.

29.10.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No