

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

**C.R. No. 5584 of 2014 (O&M)
Date of decision : 16.03.2018**

Shanti Devi

...Petitioner

versus

Chhotu Ram and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Arora, Advocate
for the petitioner.

RITU BAHRI, J.

Petitioner-landlord has filed the present civil revision against the findings recorded by Ld. Rent Controller, Ferozepur and the Appellate Authority, Ferozepur, vide orders dated 28.10.2010 and 16.04.2014.

A perusal of the impugned order(s) show that appellant has not been able to show the relationship of landlord and tenant. It was the petitioner who was to prove this relationship for ejectment of respondent No. 1 from the demised premises. The appellant has failed to prove relationship of landlord and tenant as well as induction of respondent No. 2 as a sublettee in the demised premises by respondent No. 1

A.W.1 Onkar Nath Sharma has proved on record Ex A-1 entry of assessment register pertaining to the years 1994-97 and as per the said entry M/s Chunna Ram Yadh Ram are the owners of property bearing No. 229. No doubt Shanti Devi has been shown to be in occupation of that

property in the capacity of owner but again this entry in no way proves the existence of relationship of landlord and tenant. The name of respondent No. 1 as a tenant in the part of property No. 229 does not find mention in the documents Ex A-1, 3, 4, 15. Ex 16 was the certificate with regard to burning of some record for the years 1974 to 1977 which does not help the petitioner to prove the relationship between landlord and tenant.

Further A.W.3 son of the petitioner admitted in his cross examination that previously Chuna Ram and Yadh Ram were owners of the demised premises. He also admitted that Chuna Ram had two sons i.e Yadh Ram and Sant Lal. Mishro Devi is widow of Sant Lal. The cross examination of this witness supports the version of respondent No. 1 that he was inducted as a tenant in the demised premises by Sant Lal and after his death, respondent No. 1 handed over the possession of demised premises to respondent No. 2. This fact further finds corroboration from Ex A-9 affidavit executed by Chhotu Ram respondent No. 1.

Learned counsel for the petitioner has not been able to controvert the findings records by both the Courts below that there is no evidence on record to prove existence of relationship of landlord and tenant between appellant and respond No. 1.

The petition stands dismissed, being without merits.

16.03.2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No