

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.562 of 2018

Date of Decision: 25.01.2018

Bhoop Singh

... Petitioner

Versus

Sharwan Kumar Mangla

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Mandhir Singh Virk, Advocate,
for the petitioner.

RAMENDRA JAIN, J.(Oral)

Through the instant revision petition filed under Article 227 of the Constitution of India, challenge has been laid to the order dated 12.01.2018 (Annexure P-13) of the trial Court directing the petitioner to pay ₹2,55,000/- to the respondent-plaintiff towards arrears of compensation for 51 months (from 15.10.2013 to 12.01.2018).

Put pithily, the respondent-plaintiff filed a suit for ejectment, possession and recovery of the demised house bearing No.479 situated in Pushpa Vatika, near Shiv Mandir, Dholagarh, District Palwal, (hereinafter referred to as 'the suit property') against the petitioner-defendant on the ground that the petitioner-defendant was inducted as a licensee in the demised house, which has been revoked by serving a notice dated 10.03.2017 under Section 106 of the Transfer of Property Act.

Upon notice, the petitioner-defendant took the defence that he was not a licensee, rather was a tenant in the demised house at monthly rent of ₹5,000/- and that he had paid rent to the respondent-plaintiff upto 15.10.2013.

On the basis of above admission of the petitioner-defendant, the

trial Court directed him to make payment of ₹2,55,000/- to the respondent-plaintiff against the security vide impugned order dated 12.01.2018 (Annexure P-13).

Learned counsel for the petitioner contends that an amount of ₹3,00,000/- was paid by the petitioner to the respondent-plaintiff as security at the time of commencement of tenancy. Therefore the trial Court ought to have ordered to adjust the aforesaid amount of ₹2,55,000/- from the said security amount of ₹3,00,000/- . The petitioner is ready to make payment of the current rent as agreed between the parties.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds that the instant revision petition is completely frivolous and devoid of merit for the reason that on persistent query from the learned counsel for the petitioner that whether there is any written document in favour of his assertion that the petitioner-defendant had paid security of ₹3,00,000/- to the respondent-plaintiff, he is not able to satisfy this Court, rather admitted that there is no such document.

Since the petitioner-defendant himself has admitted in his written statement that he had paid the rent to the respondent-plaintiff upto 15.10.2013, therefore, he has rightly been directed by the trial Court to make payment of arrears of compensation from 16.10.2013.

Even otherwise right of the petitioner is not going to be prejudiced by the impugned order in any manner or in view of the fact that the aforesaid amount of ₹2,55,000/- has been ordered to be released to the respondent-plaintiff against security. Therefore, at any stage if the trial Court finds that the respondent-plaintiff was not entitled for the same, it may order for refund of it.

In view of the discussion made above, this appeal stands dismissed with costs of ₹5,000/- to be deposited with the Member Secretary, District Legal Services Authority, Palwal.

A copy of this order be sent to the Member Secretary, District Legal Services Authority, Palwal, to recover the costs.

25.01.2018
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(RAMENDRA JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>