

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CIVIL REVISION NO. 6050 OF 2018 (O&M)

DATE OF DECISION: SEPTEMBER 11, 2018

Manjit Singh son of Harbans Singh .....Petitioner

Versus

Tejinder Singh and others .....Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA**

**Present:** Mr.HS Saini, Advocate for the petitioner.

<><><>

***TEJINDER SINGH DHINDSA, J.***

Petitioner has filed the instant petition assailing order dated 16.4.2018, Annexure P1, passed by the Rent Controller, Patiala and vide which an application seeking dismissal of the petition under Section 13 of the East Punjab Urban Rent Restriction Act seeking eviction of the petitioner from the demised shop has been dismissed.

2. Learned counsel for the petitioner has been heard at length and the case paper book has been perused.

3. Briefly, it may be noticed that respondent No.1 filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act seeking eviction of the petitioner from the demised shop on the grounds of change of user, sub-letting and for bonafide personal necessity.

4. Petitioner herein filed an application before the Rent Controller, Patiala seeking dismissal of the rent petition by raising a plea that the demised property was owned jointly by Shanti Devi and Paramjijt Singh and which has subsequently been sold by Paramjit Singh to the petitioner as also Gurmeet Kaur, Jasleen Singh, Bhavleen Singh vide sale-deed dated 11.7.2017. Further ground was that respondent No.1 herein, Tejinder Singh never had any authority to claim/collect rent of the demised shop as he was not authorized to do so by Paramjit Singh.

5. The impugned order dated 16.4.2018 has been passed dismissing the application moved by the petitioner herein by the Rent Controller, Patiala by adopting the following reasoning:

*“During the course of arguments learned counsel for the applicant himself stated that earlier they were in the belief that petitioner is authorized to take the rent of the shop but now they are disputing his authority. I consider that applicant is not disputing the joint ownership of the disputed shop of the landlord. Earlier in the litigation they have admitted their relationship with the petitioner. The other facts are matter of evidence which can be decided after the appreciation of evidence. Moreover, the title of the parties cannot be decided in the rent act as per the settled proposition of law. With these observations, present application is disposed off.”*

6. In the considered view of this Court, the reasons assigned by the Rent Controller while passing the impugned order

and dismissing the application moved by the petitioner for dismissal of the rent petition are valid and cogent.

7. The question of title is not to be gone into in a petition seeking ejection under the East Punjab Urban Rent Restriction Act. That apart, the onus would lie upon respondent Tejinder Singh to prove the relationship of landlord and tenant and on the strength of evidence adduced before the Rent Controller.

8. No ground for interference in the impugned order in exercise of the revisional jurisdiction of this Court is made out.

9. Petition dismissed.

SEPTEMBER 11, 2018  
SRM

( TEJINDER SINGH DHINDSA )  
JUDGE

|              |                                          |                      |
|--------------|------------------------------------------|----------------------|
| <b>Note:</b> | <b><i>Whether speaking/reasoned?</i></b> | <b><i>Yes/No</i></b> |
|              | <b><i>Whether reportable?</i></b>        | <b><i>Yes/No</i></b> |