

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

**CR No.6242 of 2018
Date of Decision:17.09.2018**

Lakhpat Singh

...Petitioner

Versus

Inderjeet Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Gaurav Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the order passed by the learned Rent Controller, dismissing his application under Order 7 Rule 11 (a) read with Section 151 of the Code of Civil Procedure.

The learned Rent Controller has found that the landlord is claiming that the respondent is the tenant in the eviction petition (petitioner herein) and he has also produced on file a rent-deed signed by the parties. The application under Order 7 Rule 11 (a) was filed on the ground that the petition is without any cause of action. The learned Rent Controller after examining facts and pleadings of the case has found that the cause of action has been pleaded and the tenant is only trying to delay the proceedings. It has been noticed that the tenant appeared before the court on 18.5.2018, whereas the present application was filed on 29.8.2018 i.e. after a period of more than three months. Hence, application was dismissed.

Learned counsel for the petitioner has submitted that in fact owner of the property is wife of the tenant and, therefore, petition was not maintainable.

It will be noted that owner and landlord can be different persons/individuals. At the initial stage, the petition filed under the Rent Control Act cannot be rejected only on the assertion of the tenant that ownership vests with her wife. This will be subject matter of evidence which can only be examined by the court after evidence has been led. At the stage of decision of application under Order 7 Rule 11 CPC only pleadings in the petition to be examined.

In view of the above, there is no ground to interfere.

Dismissed.

17.09.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No