

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

Date of decision: 28.2.2018

1.

CR No. 8727 of 2016(O&M)

J.S. Chabra

.....Petitioner

VERSUS

S. Rupinder Singh and another

.....Respondents

2.

CR No.8801 of 2016(O&M)

Rajeev Bhatia

.....Petitioner

VERSUS

S. Rupinder Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Satyaveer Singh, Advocate for the petitioner.

Mr. Raman Mahajan, Advocate for respondents.

REKHA MITTAL, J. (Oral)

This order will dispose of CR Nos.8727 and 8801 of 2016 as identical questions of law and fact are involved for adjudication. For the sake of convenience, facts are taken from CR No.8727 of 2016.

Counsel for the petitioner would urge that in reply to the application for eviction, it has been pleaded that the premises in question has been taken on rent by M/s Premier Finance Co. (Regd), a partnership firm and the petitioner is not a tenant in his individual capacity, therefore, issue No.1 framed by the Rent Controller needs to be re-cast with regard to

relationship of landlord and tenant between the parties, onus whereof is required to be placed upon the respondents/petitioners. Another submission made by counsel is that the Rent Controller while deciding application of the petitioner has made certain observations touching merits of the case and the same may not cause prejudice to the petitioner at the time of final adjudication of the application for eviction.

Counsel representing the respondents would state that he has got no objection if issue No.1 is re-cast and onus is placed upon the respondents (petitioners therein). He has also got no objection if any observations made by the Rent Controller while disposing of the application filed by the petitioner may not be taken into consideration at the time of final disposal of the case.

In view of the above, the petitions are disposed of. The impugned orders are modified to the effect that issue No.1 shall read as follows:-

“Whether there exists relationship of landlord and tenant between the parties? OPP”

Any observations made by the Rent Controller for disposing of application filed by the petitioner(s) for re-framing of issues shall not cause prejudice to either of the parties at the time of disposal of the petitions.

FEBRUARY 28, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no