

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

**Civil Revision No.8544 of 2017 (O&M)
Date of Decision:January 18, 2018.**

Harbhajan Singh (deceased) through LRs

.....PETITIONER(s).

VERSUS

Gulbagh Singh and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Rakhi Sharma, Advocate
for the petitioner (s).

Mr. D.S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate
for respondents No.1 to 5.

Mr. Deepak Nayar, Advocate
for respondent No.6.

SURINDER GUPTA, J.

Heard.

Ejectment petition was filed against the revision petitioner-tenant and proforma respondents No.6 to 15 by respondents-landlord Gulbagh Singh and others on the ground of non-payment of rent, subletting, personal bona fide necessity and that the building has become unfit and unsafe for human habitation.

Revision petitioner-tenant contested the ejectment petition inter-alia pleading that there is no relationship of landlord and tenant between the parties and they challenged the locus standi of the respondents

No.1 to 5 (petitioners in ejectment petition) to file ejectment petition. In

view of the plea taken by revision petitioner along with respondents No.7, 8 and 11 in their joint written statement, the Rent Controller did not assess the provisional rent.

During the pendency of the ejectment petition, an application (Annexure P-3) was filed by revision petitioner seeking amendment to add following lines in their written statement:-

“It is submitted that respondent is ready to tender rent under protest as claimed, reserving right to get back the same.”

Learned Rent Controller dismissed the application on the ground that revision petitioners-tenants have denied the title/ownership of the contesting respondents-landlord and the only issue to decide in the ejectment petition is whether there exists relationship of landlord and tenant between the parties.

Learned counsel for the revision petitioner has argued that though the revision petitioner-tenant is challenging the title and status of contesting respondents as landlord on several pleas including one that the building was reconstructed by them in the year 1959 but still as abandoned precaution, they want to take the plea showing their willingness to tender the rent under protest reserving right to recover back the same.

On perusal of the ejectment petition, reply filed by revision petitioners and other respondents and the application which was declined by the Rent Controller, I find that there is no scope for the revision petitioners to move such application when they have specifically pleaded in the written statement that there exists no relationship of landlord and tenant between

the parties. The revision petitioners have not sought to withdraw that plea vide this application. When the plea that there exists no relationship of landlord and tenant, is being pressed before the Rent Controller, the request of amendment of written statement to the effect that revision petitioners be permitted to tender the rent under protest is neither permissible nor cannot be allowed.

I find no legal or factual infirmity in the order of Rent Controller to this effect, calling for any interference.

This petition has no merits. Dismissed.

January 18, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***