

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

**Civil Revision No.61 OF 2008 (O&M)
Date of Order:11.07.2018**

Atma Singh

..Petitioner

Versus

Parshotam Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jasmail Singh Brar, Advocate,
for the petitioner.

Mr. I.S.Mann, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

Landlord-petitioner is in the revision petition against the order passed by the learned Rent Controller, dismissing the eviction petition, which has been affirmed in appeal by the learned Appellate Authority, Muktsar.

In the present case, the alleged tenant, namely, respondents and particularly respondent no.1, who continues in possession of the property after the death of his father has denied not only the relationship of landlord and tenant between the parties but has also disputed ownership of the petitioner. In such circumstances, both the courts have held that no order of eviction can be passed.

Since, in the present proceedings, it would not be appropriate for the court to record a finding with regard to title of the petitioner herein

and pass any order particularly when the relationship of the landlord and tenant is disputed. It would be more appropriate if the petitioner is permitted to file civil suit, wherein he would get an opportunity to prove his title.

Learned counsel for the respondents also does not have any objection if the petitioner is permitted to file civil suit.

Needless to observe that civil court in a suit which may be filed, would be entitled to arrive at an independent finding on the basis of evidence led by the parties un-influenced by the findings of the Rent Controller or the Appellate Authority.

With these observations, the revision petition is disposed of.

July 11, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No