

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

CR No. 1044 of 2017 (O&M)

Date of decision: September 25, 2019

Shree Ram Lila Sabha

...Petitioner

Versus

Bhagwan Dass

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Shvetanshu Goel, Advocate, for
Mr. J.K. Goel, Advocate,
for the petitioner.

None for the respondent.

JAISHREE THAKUR, J.

1. The instant revision has been filed seeking to challenge the order dated 9.1.2017 passed by the Appellate Authority, Karnal, in proceedings that had been initiated under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 against the respondent—Bhagwan Dass.

2. In brief, the facts are that the petitioner herein had filed an ejectment petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 against tenant Bhagwan Dass seeking his eviction on the ground that there was material impairment of the rented premises. The eviction petition was contested and the issues were framed by the Rent Controller. The parties led evidence and after appreciation of the same, the

Rent Controller by his order dated 25.3.2014 allowed the ejectment petition and granted the respondent/tenant four months time to hand over the vacant possession. Aggrieved against the said order, the tenant preferred an appeal before the Appellate Authority, Karnal, who during the course of arguments in the appeal, passed an order impleading the Haryana Wakf Board as respondent No.2 and directed the counsel for the petitioner to place on record amended title by impleading Haryana Wakf Board as respondent No.2.

3. The genesis of passing of the said order was that during the arguments raised, it had come to the notice of the Appellate Court that there was no document on the record to establish the ownership of the landlord and on coming to a conclusion that Haryana Wakf Board was the owner of the disputed property, the Appellate Authority directed that for proper adjudication of the dispute between parties, the Haryana Wakf Board was required to be impleaded. Aggrieved against the said order, the instant revision has been preferred by the petitioner—landlord, who had filed the eviction petition.

4. Learned counsel for the petitioner would contend that the impugned order is not sustainable as there was no issue raised between the parties regarding relationship of landlord and tenant before the Rent Controller. In fact, in the written statement itself, the tenant had admitted that the petitioner had rented out the shop in dispute to him and once there is an admission by the tenant himself, there was no occasion for the Appellate Authority to have passed the impugned order directing the Haryana Wakf Board to be impleaded as party.

5. Notice of motion was issued. None has put in appearance on behalf of the respondent despite service.

6. I have heard learned counsel for the petitioner and have also perused the impugned order. As perusal of the pleadings clearly show that the respondent has admitted to have taken the disputed premises on rent from the petitioner itself and has not raised any objection regarding the Haryana Wakf Board being the owner. The term “landlord” in the Haryana Urban (Control of Rent & Eviction) Act, 1973, has been defined in Section 2 (c), which reads as under:-

“2. Definitions.--In this Act, unless there is anything repugnant in the subject or context,--

xx xx xx

(c) “landlord” means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian, receiver, executor or administrator for any other person, and includes a tenant who sublets any building or rented land in the manner hereafter provided, and every person from time to time deriving title under a landlord”

7. From a reading of the aforesaid said definition, it is clear that a landlord means any person who is entitled to receive the rent and eviction can be sought by a landlord on the grounds as mentioned in Section 13 of the Act. A reading of the said section clearly reflects that eviction is not limited to an application being made by the owner himself. Therefore, a landlord as defined under Section 2 (c) is entitled to seek eviction, which is being done in the instant case. There was no occasion for the Appellate

Authority to introduce the owner suo moto, specially when there was no dispute raised by the tenant himself regarding the relationship of landlord and tenant.

8. Consequently, the revision is allowed, the impugned order dated 9.1.2017 passed by the Appellate Authority is set aside.

September 25, 2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No