

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

**CR No.3448 of 2017 (O&M)
Date of Decision : 15.10.2019**

M/s Leather Emporium

.....Petitioner

Versus

Pandit Sohan Lal Sharma

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ashish Aggarwal, Advocate
for the Petitioner.

Mr. B.D. Sharma, Advocate
for the respondent.

SUDIP AHLUWALIA, J. (ORAL)

This Revision Petition is directed against the impugned Judgment and Decree passed by the Ld. Rent Controller dated 2nd May, 2014 as well as the impugned order dated 4th March, 2017, passed by the Ld. Appellate Authority, thereby dismissing the Appeal and affirming the findings of the Ld. Rent Controller.

2. Eviction of the Petitioner from the demised premises was ordered by the Ld. Rent Controller, Amritsar, after he was found to have been in arrears of payment of rent w.e.f. 3rd December, 2006 onwards.

3. In the Ld. Trial Court the Eviction Application had been filed by the Petitioner/Respondent on the ground that there was no

existence of any Tenant-Landlord relationship between himself and the Respondent. For this reason, the Ld. Rent Controller did not pass any order to determine the provisional liability of the Tenant towards the arrears since the relationship itself had been denied. The Petitioner subsequently sought to tender the rent provisionally but his Application to that effect was dismissed since he had failed to challenge the original order by virtue of which assessment of arrears had been declined due to denial of the Landlord-Tenant relationship.

4. As it transpires, subsequently the Ld. Rent Controller came to the conclusion that the Respondent namely Pandit Sohan Lal Sharma was actually one of the Co-sharers of the disputed premises, on account of which, he undoubtedly was one of the Landlords.

5. In such circumstances, the Petitioner was left without any protection since the provisional arrears of rent had not been determined on account of his own assertion to the effect that the Respondent was not his Landlord.

6. Eviction of the Petitioner, in the given circumstances, was fully justified in view of conclusion No.4 as laid down by the Hon'ble Supreme Court in the case of '**Rakesh Wadhawan and others vs. M/s Jagdamba Industrial**', reported as **2002(5) SCC 440**.

7. No grounds are, therefore, made out to interfere with the concurrent decisions of both the Ld. Courts below.

8. Dismissed.

9. The Petitioner is, however, granted time till the end of March, 2020 to peacefully vacate the demised premises, during which period, any Execution Proceedings pending against him, shall remain stayed, subject however to the condition that he shall continue to deposit the occupational charges at the claimed rate of rent for each Calendar month within the 10th date, failing which, he would be liable to be evicted summarily from the premises.

10. This Order shall automatically stand vacated on 1st April, 2020.

October 15, 2019

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No