
CR-5884 of 2016 (O&M)

Date of Decision: 27.08.2019

GUDDI DEVI AND ANR

..... Petitioners

Versus

HARISH SOOD TH LRS MANJULA SOOD AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ishaan Cooner, Advocate for
Mr. J. S. Cooner, Advocate
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

1. The eviction order against the petitioners was passed by the Ld. Rent Controller, Kalka, vide his judgment dated 28.05.2014 on the ground that the petitioners/tenants had failed to pay rent to the respondents-landlords @ Rs.50/- per month w.e.f. 01.11.2007.

2. The eviction petition was filed by one Harish Sood son of Biru Mal Sood, admitted owner of the disputed portion of the premises. The said Biru Mal Sood is stated to have disappeared in the year 1974 and was never heard-of ever since. The premises were amicably divided between the family members.

3. The present petitioners while contending before the Ld. Rent Controller that there was no proof of Biru Mal Sood having actually died, nevertheless, did not deny the allegation that he had actually disappeared way back in the year 1974. It was their own case that they had been paying rent to one Prince Mohan Sood, who, otherwise, happens to be the real brother of the respondent-landlord Harish Sood. In this manner, they have acknowledged the sons/successors of Biru Mal Sood to be their landlords.

4. They nevertheless denied such relationship in their reply before

landlord tenant relationship was decided in favour of the respondents principally on the strength of an earlier compromise/agreement arrived at between the respondent and the present petitioner No.1, which was Ex. P-4 dated 01.10.2001 in which the petitioner No.1 had apparently admitted ownership of the respondent- Harish Sood, and had also agreed to vacate the disputed premises. The authenticity of the said document could not be shattered on behalf of the petitioners during trial and in fact petitioner No.2- Manoj Kumar had even admitted his own signatures and thumb impression of his mother (petitioner No.1) on the said document.

5. In such circumstances, both the Ld. Courts below were correct in concluding that there was no scope to assess the provisional arrears of rent or liabilities of the petitioners on account of the categorical denial of the landlord and tenant relationship by them at the initial stage.

6. The finding regarding personal requirement of the landlords, which was the subject matter of a separate issue, had also gone in their favour, but the petitioners in any case were liable to be evicted on account of the default in payment of rent since the month of November, 2007.

7. From submission of learned counsel for the petitioners, it has transpired that the possession of the premises in question has already been taken over by the respondents-landlords.

8. Consequently, this Court finds neither any real or even academic merit in the case to sustain the present revision petition. The same is, therefore, dismissed.

27.08.2019

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(SUDIP AHLUWALIA)
JUDGE

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