

Gurbax Rai Bhalla (since deceased) through LRs

.....Petitioners

Versus

Ashok Kumar Vashisht

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Chander Kumar Jha, Advocate for the petitioners.

Mr. Gurcharan Dass, Advocate
for the respondent.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition has been filed against the order dated 25.08.2015 passed by the Rent Controller, vide which, the petition under Section 13-B of East Punjab Rent Restriction Act, 1949 was allowed.

While praying for setting aside the said order, learned counsel for the petitioners submitted that the issue herein is with respect to the ownership. As per the plaint, the petitioner has himself stated that the said property had come in the share of the respondent/landlord in pursuance to the oral family settlement. Therefore, the said oral agreement cannot be the basis of his ownership. Hence, eviction petition cannot be filed by him. He has no locus standi. The said argument has no merit.

Admittedly, at an earlier point of time, the application of the petitioner/tenant for leave to contest was allowed, vide order dated 15.03.2011. The said order was challenged by the respondent/landlord by way of CR-3133-2011 and the said revision petition was allowed, vide order dated 29.01.2014 by recording a finding that the respondent/landlord was owner of said property as the same was inherited by him from his father,

CR No.7103 of 2015 (O&M)

who had inherited from his grandfather. Relevant part of order dated 29.01.2014 reads as under:-

“In the present case, the Rent Controller, while allowing the application for leave to contest filed by the respondent, had failed to consider the fact that the petitioner was carrying an Indian passport and thus, could be described as a Non Resident Indian. Further the Rent Controller has failed to consider the documents placed on record to establish the fact that the petitioner was owner/co-owner of the premises in question as it was earlier owned by his grand father and thereafter, it had been inherited by his father.”

The findings in the said order was never challenged. No other argument is raised by learned counsel for the petitioner.

In view of the above, the present revision petition is dismissed being devoid of any merit.

25.11.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No