

CR No.4641 of 2019 (O&M)

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

CR No.4641 of 2019 (O&M)
Date of decision: 06.09.2019

Sushil Khanna

.....Petitioner

versus

Simmi Khera and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Nitin Sachdeva, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision under Article 227 of the Constitution of India, tenant has assailed order of the Rent Controller, Amritsar, dated 27.05.2019 (Annexure P-5), whereby his application for dismissal of eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act-III, 1949 (in short 'the Act') filed by respondents-landlord against him, was rejected.

Briefly, during the pendency of the eviction petition filed by the respondents against the petitioner, petitioner moved an application for dismissal of the same on the ground that respondents had purchased the demised premises on 22.03.2017. Therefore, they had no legal right to file eviction petition before expiry of three years on account of coming into force of The Punjab Rent Act, 1995 (in short 'the Rent Act') inasmuch as thereafter provisions of the Act were not applicable to the demised premises.

After hearing both the sides, the Rent Controller dismissed the

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said application vide impugned order dated 27.05.2019.

Learned counsel for the petitioner referring to proviso of Section 20(q) of the Rent Act *inter alia* contends that the Rent Controller without adhering to the provisions of this Section has illegally dismissed his application.

Having given thoughtful consideration to the submission made by learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the simple reason that the petitioner denied relationship of tenant and landlord between him and the respondents. Instant case is not covered by proviso of Section 20(q) of the Rent Act inasmuch as it deals with some other issue. Rather his case is covered under Clause (n) of Section 20 of the Rent Act, which envisages that on denial of title of the landlord, a tenant is liable to be evicted.

That apart, the Rent Controller has also rightly observed that the petitioner was inducted as a tenant by the previous owner in the year 1985. A rent-note was reduced into writing on 15.02.1985 prior to coming into force of the Rent Act. After purchase of the demised premises, respondents stepped into shoes of previous owner. Petitioner was enjoying his tenancy on the basis of aforesaid rent-note dated 15.02.1985. From this angle also, the Rent Act was not applicable.

No question of law much less substantial has been raised in this revision.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

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Learned counsel for the petitioner has not been able to show any such infirmities in the impugned order.

Dismissed.

(Ramendra Jain)
Judge

September 06, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No