

IN THE HIGH COURT OF PUNJAB ANDHARYANAAT
CHANDIGARH

CR No. 4981-2019
Date of decision:-22.08.2019

RAVINDER SHARMAPetitioners

vs.

NARINDER NATHAND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

RITU BAHRI, J.(Oral)

The present petition is for setting aside of order dated 23.05.2019 (P-5) whereby application of the petitioner under Order 7 Rule 11 CPC along with proforma respondents, has been dismissed.

Respondent No. 1/plaintiff had filed a suit for permanent injunction restraining the defendants, their agents from changing the nature of suit property by removing structure of old khola/shop. The suit is still pending and application was filed by petitioner for rejection of plaint on the ground that earlier respondent No. 1/plaintiff had filed an ejectment petition against petitioner and his mother claiming himself to be the owner/landlord of the shop in question. This application has been dismissed by the Court of Rent Controller vide order dated 23.07.2007 and the appeal against the judgment also stands dismissed on 18.01.2012 (P-3) on the ground that there exists no relationship of landlord and tenant between the parties.

Learned counsel for the petitioner submits that the suit of respondent No. 1/plaintiff for permanent injunction is not maintainable, as it has been held in the rent petition that there exists no relationship of landlord

and tenant between the parties.

Heard.

In the rent petition after making the payment of arrears of rent for 123 months, there was nothing in the rent petition to entertain and there was no finding in the rent petition with regard to sale deed. In the suit for permanent injunction, the plaintiff has to prove that he is owner as per sale deed and thus application of the petitioner has rightly been dismissed.

Dismissed.

22.08.2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No