

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113

CR No. 5300 of 2019 (O&M)

Date of Decision: September 18, 2019

Trilok Chand

.....Petitioner.

versus

Raj Kumar and Anr.

.....Respondents.

CORAM: HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr. Amit Aggarwal, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (Oral)

Heard Ld. Counsel for the petitioner.

2 Perused Lower Court Record.

3 There is nothing on record indicating anything in the nature of documentary evidence led before the Trial Court to support the claim that the petitioner himself was the original tenant under the respondent No.1-landlord.

4 It may be recalled that the eviction decree was passed against Inderjit Singh-respondent no. 2 (since deceased) in favour of respondent No.1-landlord on the ground that he, being the tenant, had inducted the petitioner as a sub-tenant in the demised premises. It is a matter of record that the eviction petition was not effectively contested on behalf of respondent No.2. But in any case, the burden of proving that the petitioner was the actual tenant in the premises and that he at times only utilized the services of respondent No.1, who is his relative, for assisting him in his business, was upon the petitioner himself.

5 As already observed, he had not been able to lead a single document to support his claim, even though, his tenancy is alleged to have commenced way back in the year 1993. The only document he produced before the Ld. Trial Court was some compromise alleged to have been entered into between him and respondent No.1 before the Police Authorities, which in any case was not exhibited in evidence and was merely marked as Ex. DA since proper authentication/ ingredients for treating it as primary or admissible secondary evidence were not forthcoming. On the other hand, numerous rent receipts issued in the name of respondent No.2 were led into evidence, which were duly noted by the Ld. Courts below by the petitioner, who found no reason to dispute their genuineness.

6 In its revisional jurisdiction in any case this Court is not expected to go into the question, whether appreciation of evidence by both the Ld. Courts below, which went in favour of the landlord was correct or not. This Court only needed to satisfy itself, whether any evidence led from the side of the petitioner in support of his claim of being the actual tenant had been wrongly ignored by the Lower Courts. But no satisfactory evidence at all from his side to establish his claim or the other allegation that the rent petition was filed by respondent No.1 in collusion with respondent No.2 was led by the petitioner.

7 This Court, therefore, finds no ground to interfere with the decisions of both the Ld. Courts below. The revision application is, therefore, dismissed. However, considering that, admittedly, the petitioner is presently in occupation of the demised premises from where he has been running his business for the last several years, although even as unauthorized sub tenant, he is granted time to peacefully deliver the vacant possession of the demised premises to respondent No.1 latest by 31.03.2010 during which period execution proceedings, if any, filed

against him shall remain stayed.

8 This order shall automatically stand vacated after 31.03.2020.

September 18, 2019
jjyoti3

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No