

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

CR-497-2020 (O&M)
Date of decision : 23.01.2020

Yash Pal (since deceased) through his LRs ...Petitioner(s)

Versus

Samriti Khanna and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jhanji, Advocate for the petitioner(s).

ANIL KSHETARPAL, J. (ORAL)

Tenant-petitioner(s) has filed the present revision petition against the concurrent judgments passed by the Rent Controller affirmed in appeal by the Appellate Authority, ordering eviction from the shop in question on the ground that landladies bona fidely require the premises for personal use and occupation.

Learned counsel for the petitioner(s) has drawn attention of the Court to para 1 of the petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, which is extracted as under:-

“1. That the petitioner had purchased the shop fully, detailed, described and shown red in the site plan attached vide a registered sale deed dated 04.02.2000 which was got registered and attested before the Sub Registrar, Jalandhar on 09.02.2000 through the attorney Prem Kumar Katyiar, who was possessing the general power of attorney from the real owner. (Copy of the sale deed attached).”

He has submitted that in the eviction petition, the respondents had placed reliance only on sale deed dated 04.02.2000, therefore, other sale

deeds could not be produced. Hence, he submitted that the evidence produced was beyond the pleadings.

At this stage, it would be relevant to note that Sh. Prem Kumar as General Power of Attorney Holder of the owner, had sold half share out of the property measuring 6 marlas 54 square feet to Kusum Khanna, respondent No.2. Thereafter, on the same day, another sale deed was executed with respect to remaining half share of the property measuring 6 marlas 54 square feet in favour of Samriti Khanna-respondent No.1. Still further, there is another sale deed dated 24.12.2002 Ex.A2 in favour of Samriti Khanna and Kusum Khanna. The property is joint and has not been partitioned. Therefore, the eviction petition was filed by Smt. Kusum Khanna and Samriti Khanna, jointly. In the ejectment proceedings, question of title is not to be decided. What is to be seen is that whether there is relationship between landlord and tenant between the parties or not.

The Courts, on appreciation of evidence, have found that there is relationship of landlord and tenant between the parties. Both the Courts have further found that the requirement of the respondents-landladies is bona fide. Hence, there is no ground to interfere.

Accordingly, the present revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

23.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No