

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

**CR No. 306 of 2020
Date of Decision: 16.1.2020**

Lakhmir Singh ...Petitioner
Vs.
Manish Mehra and another ...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. B.D. Sharma, Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The tenant has no *locus standi* to object in execution proceedings against decree of specific performance of an agreement of sale between the vendor and the vendee. He has no right and title in the property and only an interest as a tenant in occupation of the property or a part thereof being urban property he would have the protection of the East Punjab Urban Rent Restriction Act, 1949. What the objecting petitioner actually prays in his application filed under Order 21 Rule 26 and 97 of the CPC read with Section 151 is for a direction delivering symbolic possession of the suit property to the decree-holder by the judgment debtor.

2. I ask who is he to make such a prayer as a tenant who has nothing to do with the ownership of the property. The person who owns the property will have the right to receive the rent and becomes the landlord under the rent law. The following judgments cited by learned counsel for the petitioner are of no help: Brahmdeo Choudhary Vs. Rishikesh Prasad Jaiswal, 1991(1) RCR (Rent) 332 & Sasmita Pattanaik & Ors. Vs. Sunanda Pattanakik and others, 2008 (18) RCR (Civil) 65

3. The petition is dismissed.

16.1.2020

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

**(RAJIV NARAIN RAINA)
JUDGE**