

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

CR-3399-2013 (O&M)

Date of decision : 03.03.2020

Rajinder Kumar Bansal (since deceased) through his legal representatives

...Petitioner(s)

Versus

Madhu Soni and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hemender Goswami, Advocate for the petitioner.

Mr. Piyush Kant Jain, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed the present revision petition against the concurrent orders of eviction passed by the learned Courts below while allowing the petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. One of the ground for ejectment is bona fide requirement of the landlady.

Learned counsel for the petitioner(s) has submitted that in fact, the Rent Controller had no jurisdiction as it was not a rent deed but a licence deed.

On a pointed Court's question, he admitted that this point has never been raised before the Courts below. The question as to whether the

relationship is of landlord or tenant and licensor or licensee, depends upon the pleadings and the evidence to be led by the parties. In absence thereof, this Court in exercise of revisional jurisdiction, cannot permit a new ground particularly when it is not based on abstract proposition of law.

Keeping in view the aforesaid facts, 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.

03.03.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No