

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

CR-1527-2019 (O&M)
Date of decision : 25.02.2020

Sukhwinder Singh

...Petitioner

Versus

Satnam Singh Vadha

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S. Dhandi, Advocate for the petitioner.

Mr. Dinesh Nagar, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed the present revision petition against the order of eviction passed by the Rent Controller while allowing petition filed under Section 13-B of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be referred as “the 1949 Act”), affirmed in appeal by the Appellate Authority.

Learned counsel appearing on behalf of the tenant, has submitted that the petitioner is not the owner of the premises as he has purchased the land measuring 7½ marlas comprised in Rectangle No.79, Khasra No.7/1/1 whereas the property in dispute is located in Rectangle No.79, Khasra No.7/1/3.

On the other hand, learned counsel appearing on behalf of the respondent, has submitted that in the partition proceedings, land comprised

in Rectangle No.79, Khasra No.7/1/3 had fallen to the share of the landlord and, therefore, it was the landlord who had rented out the premises to the tenant.

Learned counsel has also relied upon the judgment passed by the Civil Court dated 23.07.2018 declaring that the respondent-landlord is owner in possession of the land measuring 7½ marlas situated in Rectangle No.79, Khasra No.7/1/3.

The purchase of specified land in the specified khasra from a joint khata/khewat only results in purchase of undivided share in the joint khata. Every purchaser becomes a co-sharer with other co-owners. Thus, the ownership of the khasra number is determined only after the partition of the joint property has taken place. In the present case, the existence of decree for partition is not in dispute. In partition proceedings, land comprised in Rectangle No.79, Khasra No.7/1/3, has fallen to the share of the landlord-respondent. Hence, there cannot be any dispute with regard to the ownership of the respondent/landlord.

In view thereof, 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.

25.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No