

CR No.1960 of 2020 (O&M)

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

CR No.1960 of 2020
Date of Decision: 30.06.2020

Rajinder Kumar

...Petitioner

Versus

Inder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Munish Gupta, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing.

Through this revision, tenant has laid challenge to judgment of the Appellate Authority dated 14.02.2020, affirming judgment of the Rent Controller dated 14.03.2018, whereby petitioner has been evicted from the demised premises.

On previous date i.e. 29.06.2020, learned counsel for the petitioner had sought adjournment to seek instructions from the petitioner with regard to time for vacating the demised premises. However, today he has shown his inability to vacate the shop and has made submissions on merit.

Learned counsel *inter alia* contends that both the authorities failed to appreciate that relationship of landlord and tenant was not proved in between the parties. Initially, the Rent Controller had ordered eviction of the petitioner on two counts i.e. arrears of rent and change of user, but the

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Appellate Authority has modified order of the Rent Controller and has ordered eviction of the petitioner only on account of non-payment of arrears of rent. Thus, petitioner may be granted time to deposit the arrears of rent.

Having given thoughtful consideration to the above submissions, this Court finds the instant revision completely devoid of any merit for the reasons to follow.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

Respondent-landlord filed eviction petition in the year 2014 and after litigating for around six years, he is able to seek appropriate order in his favour for eviction of the petitioner. After litigating for such a long time, respondent-landlord cannot be debarred to ripe the fruits of his legal rights acquired by him through legal recourse, inasmuch as had the petitioner been of any honest and good intention, he must have deposited the arrears of rent immediately after passing of eviction order against him on 14.03.2018 by the Rent Controller, but instead of doing so, he chose to prefer appeal, which has also been dismissed now on 14.02.2020. Thus, his overall conduct is completely *mala fide* and dishonest. Such a litigant is not entitled to any accommodation to thwart the implementation of legal orders against him. Petitioner in his defence before the Rent Controller concocted a false story that he was in possession of the demised shop on the basis of

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some agreement to sell since 29.4.1983, as per agreement of even date (Mark 'A'), which was not legally proved, inasmuch as its original copy did not ever see the light of the day for the reasons best known to the petitioner. Simply, he produced a copy of the agreement to sell, which, in the considered opinion of this Court, was a colourable and fraudulent exercise of the petitioner to deny his relationship with the respondent as that of tenant and landlord. Petitioner even did not furnish explanation as to where was the original agreement which he was relying in his favour. He also did not move any application to prove the same by way of secondary evidence.

Above conduct of the petitioner clearly speaks about his fraudulent defence taken by him before the Rent Controller. He has already enjoyed the property for around 37 years on false pretext.

In view of discussion made above, revision is dismissed.

Petitioner is directed to vacate the demised premises within a week from today, failing which he shall be liable to make payment of mesne profits at ₹1,000/- per day i.e. ₹30,000/- per month after one week.

June 30, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No