

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1292-2020(O&M)
Date of decision: 24.2.2020

Mohinder Singh (deceased) through LR Jaspreet Singh

.....Petitioner

Versus

Harbhajan Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Alankrit Bhardwaj, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed the present revision petition against concurrent orders of eviction passed by the learned Rent Controller, affirmed in appeal by the appellate authority. The eviction was sought on the following two grounds:-

- i) The tenant has sublet the premises to respondent no.2 without any written consent of the landlord.
- ii) The tenant has changed the user.

Respondent no.2- the sub-tenant admitted the case of the landlord. Respondent no.1 took a stand that he does not know as to whether the shop in question was rented out in the year 1975 after executing rent note or not. However, he claimed that there was oral tenancy in the year 1987.

Both the authorities on appreciation of evidence found that respondent no.1 had sublet the premises to respondent no.2 who was running the business of eating joint. The Courts have further found that

respondent no.1 petitioner failed to lead sufficient evidence to prove that he is running transport business from the premises in dispute as a franchise of M/s Rajkot Golden Logistics Private Limited.

Learned counsel for the petitioner has submitted that the landlord has failed to prove the time and year when the tenant parted with the possession in favour of the sub tenant and the landlord has also failed to prove that the shop in question was sublet for valuable consideration.

As far as valuable consideration is concerned, it is normally a secret arrangement between the tenant and the sub tenant and the onus lies on the tenant to prove that he has either not parted with possession or it is without any valuable consideration. As regards, time and year, it may be noted that whenever the fact of the premises were sublet came to the notice of the landlord, he has filed the petition. The landlord cannot be expected to give exact time when the possession was parted with by the tenant in favour of the sub-tenant.

Keeping in view the aforesaid facts, this Court is of the considered view that the present revision petition is without any substance because both the Courts have correctly appreciated the evidence and learned counsel for the petitioner has failed to draw attention of the Court to any substantive error of law or procedure.

Hence, dismissed.

24.2.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)**JUDGE**

Yes / No

Yes / No