

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

**CR-299-2021 (O&M)**

**DATE OF DECISION: 19.02.2021**

Kunti alias Rajeshwari

.....Petitioner

versus

Mool Chand

.....Respondent

**CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Amit Jaiswal, Advocate for the petitioner

**ALKA SARIN, J.** (Oral):

Heard through video conferencing.

This is a revision petition against the impugned orders passed by both the authorities below ordering eviction of the petitioner-tenant from House No.12, Purani Gali Mandi, Ram Bagh Road, Ambala Cantt. in proceedings under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 (hereinafter referred to as the “Haryana Rent Act”).

The brief facts, relevant to the present *lis*, are that the respondent-landlord filed an ejectment petition under Section 13 of the Haryana Rent Act for eviction of the petitioner-tenant from the premises in

dispute i.e. House No.12, Purani Gali Mandi, Ram Bagh Road, Ambala Cantt. It was averred in the ejectment petition that the respondent is a landlord and the petitioner is a tenant under him in respect of the premises in dispute since 2009. The rate of rent was settled at Rs.2,000/- per month at the time of commencement of the tenancy. It was further averred that the petitioner-tenant is a habitual defaulter in payment of rent and that she had never paid the rent on time and had, therefore, made herself liable for eviction from the premises in dispute on the ground of non-payment of rent since March 2010. However, the respondent-landlord restricted his claim to rent for a period of three years. Thus, the respondent-landlord claimed rent from the petitioner-tenant with effect from July 2012 to June 2015 at the rate of Rs.2,000/- per month besides taxes and electricity charges.

The petitioner-tenant appeared and filed her written statement raising grounds qua maintainability and suppression of true and material facts. On merits, the petitioner-tenant contested the ejectment petition stating that it has been filed only to harass her and that she is residing in the property bearing House No.10, Purani Gali Mandi, Ambala Cantt. for the last 40 years being it's owner, whereas, the respondent-landlord is claiming this Property No.10 as Property No.12 and trying to grab the same. It was further averred that respondent-landlord has no proof of ownership with regard to the property in question. The relationship of landlord and tenant was denied by the petitioner-tenant.

Issues were framed. The respondent-landlord led his evidence by producing Ex.P1 to Ex.P6 and four witnesses PW1 to PW4. On the other hand, no evidence was led by the petitioner-tenant. On the basis of

the pleadings and the evidence led, the ejectment petition was allowed and the respondent-landlord was held entitled to vacant possession of the premises in dispute on the ground of non-payment of rent.

Aggrieved by the said order, the petitioner-tenant approached the Appellate Authority. Before the Appellate Authority, an application for additional evidence was filed by her for producing Aadhaar Card, Ration Card, Voter Card/List, Saving Bank Account papers, Indane LPG Consumer Record, etc. Vide a separate order dated 07.03.2020 the application for additional evidence was dismissed on the ground that the dispute in the present case is qua House No.12 and not House No.10 and the documents in no way show that the petitioner-tenant herein is not in possession of House No.12. The second ground on which the application for additional evidence was rejected was that the petitioner-tenant was in knowledge and possession of the said documents. However, the same were not produced by her despite due diligence. Thereafter, the appeal filed by the petitioner-tenant was also dismissed by the Appellate Authority vide order dated 07.03.2020.

The only contention raised by learned counsel for the petitioner is that the petitioner-tenant is in possession of House No.10 and not House No.12 and that she had submitted all the relevant documents with her application for additional evidence before the Appellate Authority to show that she was a resident of House No.10. The argument raised by counsel for the petitioner-tenant is that the petitioner-tenant is residing in House No.10 and that the respondent-landlord in the garb of the ejectment

petition is trying to grab this House No.10 and that there was no relationship of landlord and tenant between the parties.

I have heard learned counsel for the petitioner-tenant.

The respondent-landlord filed the ejectment petition seeking eviction of the petitioner-tenant from the premises in dispute. He produced both written and documentary evidence in support of his case. *Per contra*, the petitioner-tenant led no evidence whatsoever to disprove the averments made in the ejectment petition or to prove the averments made in her written statement. So much so, the petitioner-tenant did not step in the witness box herself to support her own stand. After the Rent Controller ordered the eviction of the petitioner-tenant from the premises in dispute, she filed an appeal before the Appellate Authority. She also filed an application for production of additional evidence to show her possession over House No.10. However, this application was dismissed. It has been noticed in the impugned order dated 07.03.2020 passed by the Appellate Authority that counsel for the petitioner-tenant was asked if it would be okay with his party if she is allowed to retain possession of House No.10 and vacate House No.12 only. He consulted his party and said that his party wanted dismissal of the suit. It has been observed by the Appellate Authority that the petitioner-tenant wanted dismissal of the suit in as much as she wanted to retain both House No.10 and House No.12.

A perusal of the orders passed by both the authorities below clearly reflects that the ejectment petition was filed by the respondent-landlord for eviction of the petitioner-tenant from House No.12 and not

from House No.10. The stand taken by the petitioner-tenant that the respondent-landlord filed the ejectment petition to grab the property i.e. House No.10 is not made out from any evidence available on the record. The documents sought to be produced as additional evidence by the petitioner-tenant show her as a resident of House No.10 but that cannot be held to mean that she was not a tenant in House No.12. The petitioner-tenant, for reasons best known to her, did not lead any evidence before the Rent Controller. Further, in the appeal filed by the petitioner-tenant she has signed the same at the end as being resident of House No.12, Purani Gwal Mandi, Ram Bagh Road, Ambala Cantt. i.e. the premises in dispute. However, when she filed the application for production of additional evidence she signed the same and the affidavit in support thereof as being resident of House No.10, Purani Gwal Mandi, Ram Bagh Road, Ambala Cantt. This Court has not been offered any explanation for the petitioner-tenant herself taking contradicting stands.

The apprehension of the petitioner-tenant as expressed before the Authorities and this Court that in the garb of the present ejectment petition the respondent-landlord is trying to usurp House No.10 is totally ill-founded and rather illogical inasmuch as it is not the case of the respondent-landlord that the eviction is being sought from House No.10. Once the eviction of the petitioner-tenant has been ordered from House No.12, Purani Gwal Mandi, Ram Bagh Road, Ambala Cantt. i.e. the premises in dispute, the same would pertain only to the said house.

In view of the discussion above, this Court finds no illegality or perversity in the impugned orders passed by the Authorities below.

There is no merit in this revision petition and the same is dismissed.

Dismissed.

**(ALKA SARIN)**  
**JUDGE**

19.02.2021  
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NOTE:  
Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO