

120/A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1928 of 2021 (O&M)
Date of Decision:15.09.2021

Balbir Singh

....Petitioner

VS

Manjit Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is the tenant whose ejectment has been sought by the respondent on the ground of non-payment of rent and personal necessity. The respondent-landlord sought determination of provisional rent and payment thereof and vide order dated 03.05.2019, the Rent Controller determined the provisional rent and directed payment thereof. Appeal of the petitioner-tenant has been dismissed vide order dated 20.08.2021.

Learned counsel for the petitioner has submitted that the petitioner-tenant has denied the relationship of landlord and tenant with the respondent. The relationship existed with Surjit Kaur who had executed a rent note. She has passed away. Thus, the respondent cannot claim to be the landlord. Accordingly, the Courts below were in error in assessing the provisional rent and directing payment thereof. It has also been contended that after the death of Surjit Kaur, the property was inherited by her husband Mohinder Singh. The said Mohinder Singh had executed a registered Transfer Deed dated 12.04.2016 in favour of the respondent. Thus, the respondent acquired title only with effect from the date of execution of the transfer deed. He was not entitled to ask for arrears of rent with effect from 01.05.2013. The Courts below have not taken this fact into consideration.

The Rent Controller as well as the Appellate Authority have

concurrently found that Surjit Kaur (admitted landlord) was none other than the late mother of the respondent. It has also been found that after her death, the demised property was mutated in favour of the respondent. Thus, the respondent was entitled to collect rent after the demise of Surjit Kaur. That being so, denial of relationship by the petitioner-tenant would not make any difference.

Argument based on Transfer Deed dated 12.04.2016 is also misconceived. As has been held hereinabove, upon the death of Surjit Kaur, the son/respondent was entitled to collect rent. According to the definition of landlord contained in East Punjab Urban Rent Restriction Act, 1949, he is a person who is entitled to collect rent and is not required to be the owner of the property. Thus, even if the respondent became owner with effect from the date the Transfer Deed was executed by his late father, the fact remains that he became the landlord upon the death of his mother. Thus, no error has been committed by the Courts below.

For the aforementioned reasons, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

15.09.2021
Poonam Negi

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No