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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-397-2022 (O&M)

Date of Decision:08.08.2022

Paramjit Singh

.. Petitioner

Vs.

Kulwinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjay Verma, Advocate for
Mr. Ashish Gupta, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner (tenant) is aggrieved against the judgment dated 12.10.2021 passed by the Appellate Authority, Rupnagar in Rent Appeal No.26/2019, whereby the decision dated 04.12.2019 passed by Rent Controller, Rupnagar in Rent Petition No.05 of 29.03.2016, ordering his eviction in a petition filed by landlord (respondent), was upheld.

Briefly, the facts of the case are that the respondent (landlord) filed a petition under Section 13 East Punjab Urban Rent Restriction Act, 1949 for ejectment of tenant-Paramjit Singh by setting up three grounds i.e. arrears of rent, the dilapidated condition of the demised premises as well as personal necessity. As per the pleadings, the demised premises was given on rent to the father of the respondent, namely, Kaka Singh by the father of the petitioner, namely, Pritam Singh.

The respondent-tenant in order to contest the ejectment petition, filed his written reply, raising preliminary objections relating to maintainability, mis-joinder of necessary parties etc. and on merits, pleaded that the rent was being paid regularly and in case, there are some arrears, he is ready to pay the same also. According to tenant, the petition is founded

upon false grounds and while denying the other averments made in the petition, he prayed for dismissal of the petition.

The landlord-petitioner while controverting the stand of the respondent-tenant filed replication and reiterated the averments contained in the petition.

After completion of the pleadings of the parties, the relevant issues were framed by the Rent Controller and thereafter, the parties adduced their respective evidence. Upon considering the pleadings and evidence on record, the Rent Controller proceeded to decide the material issues against the petitioner (tenant) and in favour of the respondent (landlord) and ordered his eviction.

Aggrieved against the said decision, an appeal was carried by the petitioner before the Appellate Authority and the same was also dismissed through judgment dated 12.10.2021.

Learned counsel for the petitioner has argued that though the property was initially owned by Pritam Singh, but subsequently, it was inherited by his sons, namely, Jasvir Singh and Kulwinder Singh and through the sale deed dated 30.11.2014 Ex.R-4, it was transferred in favour of Prabhjot Kaur d/o Jasvir Singh, much prior to the filing of the ejectment petition. He submits that since Kulwinder Singh had no concern with the property, therefore, he had no locus standi to maintain the ejectment petition and by ignoring this material fact, the Courts have ordered ejectment. Mr. Verma, learned counsel has further relied upon the decision passed by the permanent Lok Adalat Ex. R-3 to contend that the dispute relating to the disconnection of the electricity was earlier raised by Paramjit Singh (tenant), wherein it was observed that Kulwinder Singh (landlord) has failed

to produce any evidence regarding his ownership of the property, and the electricity connection was restored. He submits that the impugned decisions are contrary to the evidence on record, therefore, interference is warranted by this Court.

After hearing the learned counsel and material on record, this Court finds that the written statement filed by the tenant-Paramjit Singh does not contain the fact relating to the transfer of the property on 30.11.2014 in favour of Prabhjot Kaur and neither this was deposed by him in his examination-in-chief. During the course of hearing, learned counsel has produced the copy of the affidavit tendered by the petitioner-Paramjit Singh in examination-in-chief, wherein it is clearly admitted by him that after Pritam Singh, the rent is being paid to the respondent (landlord) and if, there are arrears, he is ready to clear the same also. Thus, this Court has no doubt in holding that this admission is enough to discard the argument of the learned counsel, and he cannot derive any benefit of decision Ex. R-3. Further, a careful analysis of the impugned decisions reveals that the findings recorded by the Rent Controller and upheld by the Appellate Authority are based upon proper appreciation of the evidence on record and do not suffer from any illegality and impropriety.

Resultantly, finding no merit in this petition, the same is dismissed.

08.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No