

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.No.5325 of 2018(O&M)

Date of decision: 27.07.2022

Prakash Saini (since deceased) through his LRs

..Petitioners

Versus

Yad Ram Garg and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Tanmoy Gupta, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The petitioners herein are the legal representatives of late Sh. Prakash Saini (who was inducted as a tenant). The Appellate Authority has ordered ejectment of the petitioner on the ground of bonafide necessity of the landlords. It may be noted here that there were in total three tenants/sub tenants in the possession of the showroom. Two of them have already handed over the possession back to the landlords and while admitting the landlord-tenant relationship as well as ownership of the landlords. The third tenant has filed a civil revision before this court.

It is the case of the landlords that they want to settle their children, who have now grown up. The tenancy was originally created in favour of Geeta Dutta, who, in turn, sub-let two separate parts of the premises to Hemant Sharma and Prakash Saini. The Appellate Authority has found that the petitioner herein is liable to be evicted on the ground of bonafide necessity and also because of sub-letting without written

permission of the landlord.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the petitioner contends that, in fact, the petitioner was inducted as tenant by Smt. Geeta Dutta, who was the agreement holder from Sh. Vijay Kapoor, the original owner. He submits that there was no relationship of landlord and tenant between the petitioner and the respondents.

Sh. Vijay Kapoor was the undisputed owner of the said property. He is alleged to have entered into an agreement to sell with Smt. Geeta Dutta and her husband. However, the sale deed in the present case has been executed by Sh. Vijay Kapoor in favour of the respondents. The petitioner has miserably failed to prove that Smt. Geeta Dutta was either the owner or the landlord of the premises.

Once the petitioner is in occupation of the property as a tenant, he will become a tenant under the subsequent transferee. The subsequent transferee steps into the shoes of the landlord after the transfer of property.

In view thereof, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 27th, 2022

nt

(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>

