

**CR-2254 of 2019 (O&M) and
other connected case**

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

**CR-2254 of 2019 (O&M)
Date of decision: 24.11.2022**

Madan Lal

..Petitioner

Versus

Smt. Rajeshwari Shah @ Rajeshwari Pal

..Respondent

CR-6138 of 2019(O&M)

Madan Lal

..Petitioner

Versus

Smt. Rajeshwari Shah @ Rajeshwari Pal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pushpinder Kaushal, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a tenant, who is the respondent in ejectment petition filed by the Smt. Rajeshwari Shah @ Rajeshwari Pal (respondent herein).

2. An application filed by the tenant for proving the report of Handwriting and Fingerprint expert dated 25.07.2016 has been dismissed by the Rent Controller. Such application was filed in order to prove that the gift deed dated 18.12.1981 executed by Sh. Mahinder Pal in favour of Smt. Rajeshwari Shah @ Rajeshwari Pal is forged and fabricated. Challenging the correctness of the aforesaid order, this revision petition under article 227 of the Constitution of India has been filed.

3.

This Bench has heard the learned counsels representing the

parties at length and with their able assistance perused the paper book.

4. The learned counsel representing the petitioner submits that in the eviction petition filed before the Rent Controller he is entitled to challenge the derivative title of his landlord.

5. On the other hand, the learned counsel representing the respondent (Smt. Rajeshwari Shah @ Rajeshwari Pal) submits that the petitioner while appearing in evidence has admitted that he has been paying the rent to Smt. Rajeshwari Shah @ Rajeshwari Pal. He submits that while deciding an ejectment petition, one of the question which the Court is required to decide is “As to whether there is a relationship of landlord and tenant between the parties in dispute?”. He submits that once payment of the rent to the respondent has been admitted by the tenant (the petitioner) then , the petitioner has attorned in his favour.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

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8. The petitioner herein is a tenant, who is defending the eviction petition filed by the respondent. The Rent Controller has closed his evidence.

9. The learned counsel representing the petitioner submits that he only wishes to examine the Handwriting and fingerprint Expert in order to prove his case.

10 The aforesaid revision petition i.e. CR-2254 of 2019 has already been dismissed.

- 11. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 12. Dismissed.
- 13. All the pending miscellaneous applications, if any, are also disposed of.

November 24, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*