

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

CR-1687-2022

Date of Decision: 10.05.2022

Ashok Kumar Kapoor

...Petitioner

Versus

Arun Behl

....Respondent

CORAM :- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Arihant Jain, Advocate
for the petitioner.

Mr. Vishal Aggarwal, Advocate
and Mr. Vaibhav Sehgal, Advocate
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.03.2022 (Annexure P-2) passed by the learned Rent Controller, Ludhiana, vide which, the objections of the respondent-landlord with respect to summoning of a witness from the Sub Registrar Office, was allowed.

Learned counsel for the petitioner-tenant, *inter alia*, submits that the impugned order, being repugnant to the settled principles of law, suffers from material irregularity and thus, deserves to be set aside. He further submits that the Rent Controller had deprived the petitioner of his right to cross-examine the respondent-landlord on certain material aspects of his case, inasmuch as, the transfer deeds executed by the respondent-landlord and his brother were nothing but *sham* documents, which had been executed just to create a confusion. Therefore, since the respondent-landlord

was not the owner of the portion of the demised building, he could not seek the eviction of the petitioner-tenant. He has further submitted that since the relationship of a landlord and tenant was not admitted between the parties by the petitioner, he had every right to question the title of the respondent-landlord.

Per contra, learned counsel appearing for the respondent-landlord, while vehemently opposing the submissions made by the counsel opposite, submits that the petitioner by way of the instant revision petition, is questioning his title to the portion of the demised building, which is not permissible in view of the provisions of Section 116 of the Indian Evidence Act.

Learned counsel while drawing the attention of this Court to the written statement (Annexure P-4) filed by the petitioner before the Rent Controller, further submits that the petitioner has nowhere denied the landlord-tenant relationship between the parties and in fact, it is very evident that the petitioner-tenant is intentionally being evasive in his reply. Hence, on this ground itself, he is estopped from challenging the title of the respondent-landlord.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner-tenant is wanting to put certain relevant records pertaining to the title deed to the respondent-landlord in his cross-examination, vide which, the respondent claims to have become owner of a portion of the demised premises. The petitioner, therefore, in essence wants to dispute the title of the respondent-landlord by confronting him with the record. The question, which thus arises for consideration is

“whether in the aforementioned circumstances, can the petitioner-tenant be allowed to dispute the title of the respondent-landlord?”

A perusal of the written statement of the petitioner-tenant reveals that he has nowhere specifically denied the landlord-tenant relationship between him and the respondent. Rather, the reply on the face of it, is vague and evasive. It may be observed that an evasive and vague denial is no denial in the eyes of law, specially when the petitioner did have specific knowledge qua the existence or otherwise of landlord-tenant relationship. Therefore, in the absence of any categorical denial by the petitioner, the landlord-tenant relationship between the parties shall be deemed to have been admitted.

The petitioner is therefore, estopped from questioning the title of his landlord once the relationship of a landlord and tenant stands admitted from the tone and tenor of his written statement filed before the Rent Contoller.

As a sequel to the above, no ground is made out to invoke the revisional jurisdiction of this Court.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

May 10, 2022
gurpreet

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