

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

CR-1509-2021 (O&M)

Date of decision: 14.03.2022

Dinesh Kohli

...Petitioner

Versus

Surinder Kumar (since deceased) through L.Rs and another
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.S.Thiara, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner is a tenant. He assails his order of eviction, passed by the Rent Controller, which has been affirmed by the appellate authority. The petitioner contested the eviction petition while claiming to be tenant under Dharmshala Suthra Shah vide a rent note dated 21.08.2003 whereas the respondent-landlord claims that he is in possession because respondent no.1 (Shiv Pal) sublet the premises without his permission. Both the authorities have found that the petitioner failed to prove the rent note dated 21.08.2003, Ex.RX. It has further been found that apart from the measurement neither any description of the property has been given in the alleged handwritten rent note nor it has been proved. No one from Dharmshala Suthra Shah has been examined to prove that the property in question, in fact, does not belong to the landlord.

Heard learned counsel representing the petitioner at length and with his able assistance perused the paper book. The petitioner has

placed on record, a site plan, copies of jamabandi and photograph. It may be noted here that the petitioner has taken a positive stand that he is a tenant under Dharmshala Suthra Shah and not a tenant under Surinder Kumar. However, as already noticed, the petitioner failed to substantiate the aforesaid plea. The layout plan which has been placed on record is required to be proved in evidence. Similarly, from copies of the jamabandi from 1904 till 1959-60 it is not proved that the shop in question is part of the property owned by Suthra Shah. Similar is the position with regard to photograph. There is also no application for permission to lead additional evidence.

Learned counsel representing the petitioner, although, made sincere attempts, however, failed to draw the attention of the Court to any substantive error which goes to the root of the matter. While hearing the revision petition, the jurisdiction to interfere is limited. Reliance in this regard can be placed on Five Judge Bench judgment passed in **Hindustan Petroleum Corporation Limited vs. Dilbahar Singh' (2014) 9 SCC 78.**

Hence, no ground to interfere is made out.

Dismissed.

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

14.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE