

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4533 of 2019 (O&M)

Date of Decision: 22.08.2022

Shadi Lal and Others

... Petitioner(s)

Versus

Kamal Kishore and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parunjeet Singh, Advocate
for the petitioner(s).

Ms. Ishita Negi, Advocate
for Mr.Namit Gautam, Advocate
for the respondents.

Anil Kshetarpal, J.

1. The tenants' application for stay of the proceedings, in a petition filed for his eviction under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the 1949 Act") has been dismissed.

2. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

3. The learned counsel representing the petitioners contends that previously, the landlord (respondents) filed a suit claiming the petitioners to be licensee is in possession of the property. He submitted that though, the aforesaid suit has been dismissed, however, the first appeal is pending before the First Appellate Court. He, hence, contends that the matter as to whether the petitioner is a tenant or a licensee, is still subjudice.

4. This Court has considered the submission that in the petition filed under Section 13 of the 1949 Act, the matter in issue is the ground of eviction. It is a stand of the petitioner that he is a tenant. Once that is the position and the landlord has already invoked the jurisdiction of the Rent Controller, the dispute as to whether the petitioner herein is a tenant or a licensee is not a matter in issue in the eviction petition.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 22, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No