

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

CR-3640-2022

Date of decision: 05.09.2022

Ram Milan

.....Petitioner

Versus

Suria Narain @ Suraj Narain and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. S.P. Soi, Advocate, for the petitioner.

HARKESH MANUJA, J. (ORAL)

The petitioner has assailed the validity of the order dated 26.05.2022, passed by the learned Rent Controller, Chandigarh.

Facts leading to the present case are that respondent No.1-Suria Narain @ Suraj Narain, filed a petition under Section 13 of the East Punjab Rent Restriction Act, 1949, against the petitioner-Ram Milan, seeking his ejectment from House No. 319, Ram Darbar, Phase-II, U.T., Chandigarh, alleging him to be tenant in occupation.

In response, the petitioner filed his written statement claiming himself to be co-sharers of the suit property. He specifically denied the relationship of landlord and tenant. When the matter was listed for recording of the evidence of the landlord-respondent No. 1 on 26.05.2022, a statement was made on his behalf that since there is a denial of relationship of landlord and tenant and respondent No. 2, claims himself to be co-owner over the suit property, withdrawal of the ejectment petition was sought on his behalf with a permission to file suit for possession.

Learned counsel for the petitioner has assailed the order dated 26.05.2022 submitting therein that though he was not aggrieved of the withdrawal of the ejectment petition, however, no permission ought to have been granted by the learned Rent Controller in favour of respondent No. 1 for filing a suit for possession. He further contends that the order dated 26.05.2022 will come in his way and he will not be able to raise legal objections regarding the maintainability of the suit.

I have heard learned counsel for the petitioner and gone through the paper book.

I do not find any merit in the contention raised on behalf of the petitioner. Once the relationship of landlord and tenant has been denied by the petitioner claiming himself to be co-owner/co-sharer in the suit property, respondent No. 1 has the option to file a suit for possession against the petitioner. However, it is clarified here that the permission granted in favour of respondent No. 1 for the purpose of filing of a suit for possession is merely innocuous in nature in the facts and circumstances of the present case which shall not debar the petitioner from raising legal objections regarding the maintainability of the suit, if at all available to him and it goes without saying that the same shall be decided in accordance with law.

Dismissed.

05.09.2022

preeti

(HARKESH MANUJA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No