

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

CR-2961-2021 (O&M)

Date of decision: 15.02.2022

Jagjit Singh Jandu

...Petitioner

Versus

Punjab National Bank and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Divanshu Jain, Advocate for the petitioner
Mr. Gurjinder Singh Thind, Advocate for respondent no.1
Mr. Sunil Chadha, Sr. Advocate with
Mr. Amitabh Tiwari and
Mr. Mahima Gupta, Advocates for respondent no.2

ANIL KSHETARPAL, J (Oral)

The petitioner herein claiming to be landlord of the tenanted premises filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, with a prayer to order eviction of the Punjab National Bank. The petitioner claims that he alongwith his mother leased out the property to the Bank vide a registered lease deed dated 24.12.2007. During the pendency of the petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, an application filed by respondent no.2 (petitioner's father) has been allowed. The correctness of the aforesaid order is assailed in the present revision petition.

After arguing at some length, learned counsel representing the petitioner submits that he has no objection if respondent no.2 is permitted to be impleaded as a party, however, he submits that the question of entitlement to receive rent, which is inter se dispute between the petitioner and respondent no.2, cannot be decided. He submits that civil suit with regard to the title is pending.

Per contra, learned counsel representing respondent no.2 contends that the Rent Controller is required to decide the question of entitlement to receive the rent inter se between the petitioner and respondent no.2.

In an eviction petition filed under the East Punjab Urban Rent Restriction Act, 1949, the Court is required to adjudicate upon the grounds of eviction. The jurisdiction of the Rent Controller is limited and the disputes between the landlord and the tenant are required to be decided. In the present case, entitlement to receive rent is not between the tenant and the landlord. Respondent no.2 claims rent being owner whereas the petitioner claims rent on the basis of a registered lease deed, which is alleged to have been signed by the respondent no.2. As already noticed, petitioner and respondent no.2 are not strangers. The civil litigation in this regard is already pending.

Keeping in view the aforesaid facts, the observation made by the Rent Controller to the effect that he will first decide with regard to the person entitled to receive the rent is set aside while leaving the parties to get this question decided from the civil court. The Rent Controller is requested to proceed with the matter forthwith.

Disposed of.

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

15.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE