

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

CR-5131-2022

Date of decision:-14.11.2022

Rulda Singh

...Petitioner

Versus

Abhay Partap Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Chandeep Singh, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

1. Petitioner- landlord Abhay Partap Singh through his attorney Sh.Roshan Lal had filed an ejectment petition against his tenant Rulda Singh – respondent qua shop/premises situated at Ward No.8, Behlolpur Road, Samrala, Tehsil Samrala, District Ludhiana, on the ground of the respondent/tenant being in arrears of rent from 1.11.2013 onwards @ Rs.1,700/- per month; the respondent having not paid the house tax and property tax till date and that the petitioner and his family have their own car bearing No.PB-43-7039 and they have no place for parking the same and the petitioner requires the shop in question for that purpose.

2. The said rent petition bearing CIS No.RA/06/2016 was instituted on 9.5.2016 before the Rent Controller, Samrala and notice thereof was given to respondent-tenant, who put in appearance and contested the rent petition. Following issues were framed to adjudicate the controversy between the parties:

1. Whether the respondent is in arrears of rent, house tax & property tax? OPA
2. Whether the petitioner requires the demised premises for his personal necessity? OPA
3. If so, whether the respondent is liable to be ejected from the demised premises? OPA
4. Whether the tender made by the respondent is short and invalid? OPA
5. Whether the present petition is not maintainable? OPR
6. Whether the petitioner has no cause of action to file the present petition? OPR
7. Relief.

3. The parties were afforded adequate opportunities to lead evidence in support of their respective claims. Learned Rent Controller, Samrala vide his detailed judgment dated 7.2.2020 accepted the rent petition and directed ejectment of respondent – tenant from demised premises within two months from the date of passing of the order, failing which, the petitioner-landlord could obtain possession by adopting due course of law. The respondent was also found liable to pay an amount of Rs.1,10,800/- i.e. rent @ Rs.1,700/- per month from 1.11.2013 to the petitioner as per the following details:

* Arrears: rate of rent @ Rs.1300/- per month w.e.f. 01.11.2013 to 31.08.2017 (46 months) = Rs.59,800/- (As rent at the rate of Rs.400/- had already been paid under protest)

* Arrears: rate of rent @ Rs.1700/- per month w.e.f. 01.09.2017 to 28.02.2020 (30 months) = Rs.51,000/-

4. The Rent Controller, Samrana had decided issues No.1 and 2 in favour of petitioner-landlord against respondent-tenant holding that the latter was in arrears of rent/house tax and property tax and the former, who is residing abroad requires the demised premises for his personal necessity.

5. Feeling aggrieved by the judgment passed by Rent Controller, Samrara, the respondent-tenant had preferred an appeal before the Appellate Authority, Ludhiana, which after contest was decided by Appellate Authority, Ludhiana vide order dated 21.10.2022 in which the judgment passed by Rent Controller, Samrara was affirmed and the appeal filed by the appellant/tenant was dismissed.

6. Now the said tenant has approached this Court by way of filing the present revision.

7. I have heard learned counsel for the revisionist besides going through the record.

8. The judgment/order passed by the Rent Controller, Samrara and Appellate Authority, Ludhiana are detailed and well reasoned. Those do not come out to be suffering from any illegality or infirmity much less apparent on their face. The judgment/order are certainly not perverse or passed in an arbitrary manner. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned judgment/order by way

of exercising the revisional jurisdiction. No substantial question of law or fact arises in this case.

9. Thus, finding no merit in the civil revision petition, the same stands dismissed.

14.11.2022

Brij

(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**