

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

CR-336-2023(O&M)

Date of decision:-19.1.2023

Jyoti

...Petitioner

Versus

Dharamvir @ Bittu Gandhari and another

...Respondents

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

Present: Mr.Nipun Bhardwaj, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Briefly stated, the facts of the case are that petitioner/landlord Dharamvir alias Bittu Gandhri, a resident of Gali No.12, Rattan Nagar, Jalandhar had filed a petition under Section 13 of Act III of 1949 the East Punjab Urban Rent Restriction Act, 1949 against respondent/tenant Bhawna daughter of Ashok Kumar, resident of Gali No.12, Rattan Nagar, Jalandhar.

2. After contest, that rent petition was accepted by Rent Controller, Jalandhar vide order dated 30.11.2021 and the respondent was ordered to be ejected from the demised premises and two months time was given to respondent/tenant Bhawna to hand over the vacant possession of the demised premises to the petitioner, failing which, the petitioner could get the possession through process of law. Since Bhawna

did not hand over the possession, the petitioner/landlord filed an execution application before Rent Controller, Jalandhar.

3. During the course of execution proceedings, one Jyoti daughter of Ram Parvesh, resident of Street No.12, Rattan Nagar, Jalandhar filed objections contending that she is owner of the property in question, which falls within red line and no record with regard to the ownership is available; the petitioner had obtained the order in his favour in collusion with respondent when both of them have got nothing to do with the property in question. According to the objector, she is an Artist and has to remain out of station in connection with work, whereas parties to the execution proceedings are related with each other having evil eye on the property belonging to the objector; the ejectment order passed is illegal, null and void and is required to be recalled.

4. The objections were opposed by the petitioner/landlord filing reply raising various legal objections, on merits contending that those had been filed with a mala fide intention to harass and annoy the petitioner and to delay the execution proceedings. According to the petitioner, the objections had been filed at the instance of respondent Bhawna; the objector has no right or concern with the premises in question much less she being owner in possession of the same; as a matter of fact, respondent Bhawna had contested the ejectment petition and had filed a civil suit for permanent injunction, which was dismissed; since Bhawna had failed to tender the rent as assessed by the Rent Controller, as such an ejectment order was passed against her by the Rent Controller in the year 2021. The petitioner/landlord prayed for dismissal of the objection petition.

5. After hearing arguments, the Rent Controller vide impugned order dated 5.12.2022 dismissed the objection petition, leaving the objector aggrieved and she has filed the revision petition in question.

6. I have heard learned counsel for the revision petitioner besides going through the record and I find that there is absolutely no merit in this revision petition.

7. In the impugned order itself, it has been observed that the objector has been unable to place on record any document to show that she has got any connection with the property in dispute. As regards the documents produced by her in the form of photocopy of bank pass-book, copy of passport and copy of Aadhar card, those could not be taken to be convincing evidence to determine the title/ownership. Furthermore, the objector has not produced any document of inheritance etc. No document with regard to taking electricity connection, water connection or with regard to ration card, voter card, voter list had been filed to show her ownership and possession. Even otherwise, as per report received in that regard JD Bhawna had left the premises after locking the same. Therefore, the claim of the objector that she is in possession stands falsified showing that the objections had been filed by Jyoti in collusion with Bhawna on some legal advise to obstruct the execution of ejectment order.

8. I do not find any illegality or infirmity in the impugned order, which might have called for interference by this Court while exercising revisional jurisdiction.

9. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

19.1.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No