

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

104

2023:PHHC:087280

**1. CR-6245-2014 (O&M)
Date of decision: 13.07.2023**

MADHU

..Petitioner

Versus

DHEERAN CHANDER AND ANR.

..Respondents

2. CR-7594-2014 (O&M)

MADHU

..Petitioner

Versus

DHEERAN CHANDER AND ANR.

..Respondents

3. COCP-3256-2014

MADHU

..Petitioner

Versus

DHEERAN CHANDER AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

None for respondent No.1

Mr. S.M. Tripathi, Advocate
for respondent No.2.

ANIL KSHETARPAL, J(Oral)

1. Two connected Civil Revision petitions and a contempt petition have come up for final disposal.

2. Some Facts in brief are required to be noticed to understand the controversy involved, which are as follows:-

The dispute is with regard to a house, which was stated to have been allotted to Smt. Veena Rani by the Chandigarh Administration. It is the case of Smt. Madhu, widow of Sh. Girish Chander, that Smt. Veena Rani sold the property in favour of her husband late Sh. Girish Chander by executing a General Power of Attorney, a Will, an affidavit as well as an

agreement to sell, which were made irrevocable. Thereafter, Sh. Girish Chander leased out the property in favour of Sh. Dheeran Chander. Late Sh. Girish Chander died on 23.11.2009. Sh. Dheeran Chander stopped paying rent and filed a suit for permanent injunction against late Sh. Girish Chander who on appearance in the suit made a statement that the eviction of the tenant shall sought by adopting due process of law, which resulted in withdrawal of the suit. Since, late Sh. Girish Chander died, hence, the petitioner Smt. Madhu being widow, filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of Sh. Dheeran Chander. It appears that Sh. Dheeran Chander thereafter joined hands with Smt. Veena Rani who also filed a petition seeking ejectment of Sh. Dheeran Chander. The petition filed by Smt. Madhu was referred to Lok Adalat and Sh. Dheeran Chander agreed to hand over the vacant possession of the property after a period of 2 years. In the petition filed by Smt. Veena Rani, an application was filed by Smt. Madhu for impleadment, which was dismissed by the learned Rent Controller. The aforesaid order was challenged by filing the present revision petitions. It is alleged that despite notice of motion, the learned Rent Controller ordered ejectment of Sh. Dheeran Chander and possession has been delivered to Smt. Veena Rani. In substance, now Smt. Veena Rani is in the possession of the property. The petitioner Smt. Madhu has alleged that in the first revision petition, notice of motion was issued but the learned Rent Controller proceeded with the matter without waiting for the further order of the Court and, therefore, the order of ejectment and consequent delivery of possession in favour of Smt. Veena Rani should be set aside.

This Court has considered the submissions.

4. As far as the dispute between the legal representatives of late Sh. Girish Chander and Smt. Veena Rani, the matter can only be decided by a Civil Court. The Rent Controller has a limited jurisdiction of deciding disputes with respect to the ground of eviction of the tenant and other miscellaneous dispute between the landlord and the tenant are covered in the Act. The Rent Controller is a Court of limited jurisdiction. Hence, the appropriate remedy for legal representatives of late Sh. Girish Chander is to file a civil suit to establish her rights over the property in dispute.

5. Keeping in view the aforesaid facts, both the revision petitions and contempt petition are disposed of with liberty to the legal representatives of late Sh. Girish Chander to file appropriate civil proceedings in the competent Court of law to enforce their rights.

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

July 13th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*