

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CR-608-2023 (O&M)
Date of Decision : 13.07.2023

Dr. Hardeep SinghPetitioner

Versus

B.D. Hospital Society, Sector 23-B, ChandigarhRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Ms. Ekta Thakur, Advocate
for the petitioner.

NAMIT KUMAR, J. (ORAL)

CM-5599-CII-2023

Prayer in the instant application is for placing on record the certified copy of written statement in case 'Gurdial Singh and another Vs. Chardi Kalan Trust and others'.

For the averments made in the application, the same is allowed and certified copy of written statement in case 'Gurdial Singh and another Vs. Chardi Kalan Trust and others' is taken on record, subject to all just exceptions.

CR-608-2023

1. The instant revision petition has been filed by the petitioner challenging the order dated 01.10.2022 (**Annexure P-1**) passed by the learned Rent Controller, Chandigarh whereby the application filed by the respondent has been allowed and fresh authorization letter along

with power of attorney has been taken on record.

2. Briefly stated the facts of the case are that the respondent B.D. Hospital Society has filed an application under Section 13(2)(i) of East Punjab Urban Rent Restriction Act, 1949 on the ground of non-payment of rent. The B.D. Hospital Society is managed by the Charitable Trust "Chardi Kala Trust" Regd. Delhi through its Chairman Sh. Swaran Singh s/o Kishan Singh. During the pendency of the eviction petition, Chairman Swaran Singh has unfortunately died and counsel for the Society intended to place on record fresh authorization letter and power of attorney for further proceeding in the matter and for the said purpose an application was filed on behalf of the B.D. Hospital Society for placing on record fresh authorization letter and power of attorney. However, the said application was opposed by the present petitioner/tenant by stating that the resolution dated 27.12.2020 vide which powers were given to few trustees for further proceeding in the matter does not seem to be genuine and the board trustee are not members of the trust but they are members of the family. The said application has been allowed by the learned Rent Controller, Chandigarh vide order dated 01.10.2022, which has been impugned in the present petition. The relevant portion from the impugned order is as under:-

"Perusal of the case file reveals that present application has been filed under Section 13(2)(i) of East Punjab Urban Rent Restriction Act, 1949 on the ground of non payment of rent. The petitioner in the present case is a society managed by Charitable trust i.e. Chardikala Trust through its Chairman Swaran Singh S/O Kishan Singh.

Admittedly, the Chairman has been died and counsel for petitioner intends to place on record fresh authorization letter and POA for further proceeding in the same. The only objection of the respondent is that the so called resolution dated 27.12.2020 vide which powers were given to few trustees for further proceeding in the matter in the present case, does not seems to be a genuine and so called board trustee are not members of trust but members of family. Even the signatures on the so called resolution is also doubtful. Having heard the arguments of counsel for the respondent, this Court is of the considered opinion that whether the resolution dated 27.12.2020 is genuine or not is not to be decided in this case and moreover that would be a inter se dispute between board of trustees, if any, whether the signatures on so called resolution is genuine or not. Once the document has been placed on record by the other members of Board of Trust the same would be considered to be a genuine until and unless otherwise proved. So, in view of the discussion made above, the application filed on behalf of petitioner is allowed and fresh authorization letter along with POA already taken on record is considered genuine and valid for proceeding further in this case.”

3. Learned counsel for the petitioner has made reference to the written statement dated 30.05.2014 filed by the Sub Divisional Officer, Electricity Operation, Sub Division No.1, Sector-23, Chandigarh in a suit filed by one Gurdial Singh and Jagdish Singh Sarpal against the Chardi Kala Trust and Members of the Trust were also made defendants in the said suit. Learned counsel for the petitioner has contended that the names of the trustee which has been mentioned in the resolution dated 27.12.2020 are at variance to the Members of the Trust whose names have been given in the said suit and therefore, they are not genuine Members of the Trust.

4. I have heard learned counsel for the petitioner and perused

the record.

5. So far as contention raised by learned counsel for the petitioner that there is variance in the names of Trustees in the suit filed by Gurdial Singh and Jagdish Singh Sarpal and the present resolution dated 27.12.2020 is concerned, the said contention needs to be rejected as the Members of the Trust in the year 2014 and in the year 2020 can always be changed and a perusal of the resolution dated 27.12.2020 itself suggest that various persons have been made trustees in the trust. The learned Rent Controller has rightly accepted the application filed by the respondent-Society for placing on record fresh authorization letter and power of attorney on behalf of the Society due to death of the then Chairman Sh.Swarn Singh s/o Kishan Singh.

6. In view of above, there is no infirmity in the impugned order dated 01.10.2022 (**Annexure P-1**) passed by the learned Rent Controller, Chandigarh, which needs no interference and consequently, the instant revision petition is dismissed.

13.07.2023
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No