

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

CR-950-2021(O&M)

Date of decision:-20.1.2023

Charanjit Kaur

...Petitioner

Versus

Paramdeep Singh and another

...Respondents

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

Present: Mr.R.S. Randhawa, Advocate
for the petitioner.

Mr.Vijay Lath, Advocate
for respondent No.1.

H.S. MADAAN, J.

1. Briefly stated, facts of the case are that petitioner Paramdeep Singh had brought a petition under Section 13 of the East Punjab Urban Rent Restriction Act (hereinafter referred to as the Act) against Avtar Singh – tenant for his eviction from the demised shop forming part of House No.595 opposite Gurudwara Kashmirian, Tripuri Town, Patiala, on the ground of respondent-tenant being in arrears of rent w.e.f. 1.1.2014 to 1.1.2017. That petition was allowed ex-parte by Rent Controller, Patiala. Ms.Charanjit Kaur wife of Avtar Singh tenant had filed an application under Order 1 Rule 10 CPC in the rent petition, which was declined. She had filed a revision petition against that order, which was also rejected.

She had filed an application under Section 31 of Punjab Relief Indebtness Act for depositing a sum of Rs.86,400/- as arrears of rent w.e.f. 1.1.2014 to 1.1.2017. Notice of that application was given to petitioner/landlord, who did not accept that amount. Charanjit Kaur had then preferred third party objections before the Executing Court of Rent Controller, Patiala, where the petitioner/landlord had filed an application for execution of the ejectment order to get possession of shop in question. Those objections were dismissed by the Executing Court vide impugned order dated 18.2.2021. For ready reference, the operative part of the order is being reproduced as under:

“The third party objector-Charanjit Kaur who is wife of Avtar Singh respondent/tenant, nowhere claimed in these objections that she was also tenant of Paramdeep Singh, decree holder as per rent deed dated 8.9.1990. Firstly, Charanjit Kaur, objection is not tenant of the decree holder, so, she has no locus-standi to file the present objections against ex-parte judgment and decree dated 31.10.2018. Admittedly, Avtar Singh tenant/respondent was in arrears of rent since 1.1.2014 to 1.1.2017 and till the passing of the above-said ex-parte judgment dated 31.10.2018, no rent was paid by the Avtar Singh to the decree holder. Now, Charanjit Kaur third party objector claimed that she moved application under Section 31 of Punjab Relief Indebtness Act and deposited due rent since 15.2.2018 till 30.11.2018. Secondly, it is necessary to mention here that Charanjit Kaur deposited the rent in the year 2018 and in the said rent petition, the eviction order was passed on the ground that

the Avtar Singh respondent/tenant was in arrears of rent from 1.1.2014 to 1.1.2017. Lastly, this Court is of opinion that Charanjit Kaur is not tenant of decree holder and after passing the eviction order against her husband Avtar Singh/tenant she is now in illegal possession of the rented premises. In view of that has been discussed above in detail, the third party objections are hereby stands dismissed and disposed off.

2. This order left the applicant aggrieved and she has approached this Court by way of filing the present revision petition, notice of which was issued to respondents and respondent No.1 has put in appearance through counsel.

3. I have heard learned counsel for the parties besides going through the record and I find that the present revision petition is absolutely without any merit.

4. Admittedly, Avtar Singh, husband of the revision petitioner was tenant in the demised shop against whom an ex-parte judgment/order has been passed by Rent Controller, Patiala. The same having not been modified or set aside in appeal has attained finality.

5. As per the version of the revision petitioner her husband Avtar Singh is not traceable for last more than 8 years and FIR No.86 dated 17.4.2014 has been got recorded with Police Station Tripuri, Patiala, copy of that FIR being Ex.P2. Under the circumstances, the applicant has stepped into his shoes and has got a right to retain possession of shop in question.

6. Whereas learned counsel for the respondent/landlord has contended that the FIR has been lodged against accused Harpreet Kaur and Kirpal Singh levelling allegations of their having kidnapped Avtar Singh and there is nothing on record to show that Avtar Singh is not alive or that he should be presumed to be dead. Furthermore, no decree or order passed by the Court in that regard is claimed to be there by the revision petitioner. Therefore, her application under Order 1 Rule 10 CPC for being impleaded as a party and her third party objections filed in the execution proceedings were rightly rejected. Similarly, the appeal filed by her has also been dismissed for non-prosecution by Additional District Judge, Patiala vide order dated 5.7.2022. Therefore, the revision petition be dismissed.

7. After considering the rival contentions, I find that there is absolutely no merit in the revision petition and the same is liable to be dismissed. Admittedly, the relationship of landlord and tenant is there between Paramdeep Singh and Avtar Singh and on an ejectment petition having been filed by Paramdeep Singh, which has been allowed ex-parte, petitioner/landlord Paramdeep Singh is seeking possession of the demised shop in question. The revision petitioner can certainly not resist delivery of possession to him on any such objection raised by her in the objection petition submitted on her behalf in the execution proceedings. Though she has adopted all the possible methods to stall delivery of possession including moving application under Order 1 Rule 10 CPC, filing appeal and then third party objections but she has been unsuccessful every time. The third party objections filed by the revision petitioners were rightly

rejected by the executing Court. The order passed in that regard is quite detailed and well reasoned and it does not suffer from any illegality or infirmity. No reason is there to interfere with it by exercising revisional jurisdiction.

8. Finding no merit in the revision petition, the same stands dismissed. The status quo order passed in favour of the revision petitioner on 29.4.2021 stands withdrawn.

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

20.1.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No