

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

CR-4487-2023

Date of Decision: August 09, 2023

RAMESH KUMAR SAYAL

..... Petitioner

Versus

SHREE SANATAN DHARAM SABHA (R), BATHINDARespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. C.S. Jattana, Advocate for the petitioner.
Mr. Piyush Aggarwal, Advocate for respondent.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 31.07.2023 passed by Rent Controller, Bathinda whereby an application filed under Order 7 Rule 11 of CPC at the instance of petitioner-tenant stands dismissed.

2. Briefly stating, an eviction petition came to be filed against petitioner-tenant at the instance of respondent-landlord regarding shop bearing No.3-MR, First Floor, Part of SSD Sabha's Shops, Opposite GoleDiggi Market, Mall Road, Bathinda, wherein the petitioner-tenant moved an application under Order 7 rule 11 CPC while submitting that the property in question was allegedly leased out with respondent-landlord by Municipal corporation, Bathinda, though the said lease itself was under challenge. The Rent Controller vide order dated 31.07.2023 dismissed the said application.

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3. While impugning the aforesaid order, learned counsel for the petitioner submits that the question of validity of lease in favour of respondent-landlord is under challenge and thus the eviction petition at its instance cannot be permitted to be continued.

4. I have heard learned counsel for the petitioner and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

5. At this stage, there is no order passed by any administrative-quasi judicial-judicial authority as regards adjudication upon the issue of validity of lease of the demised premises, granted in favour of respondent-landlord at the instance of Municipal Corporation, Bathinda and the matter is still sub judice, thus, at this stage, the application filed at the instance of petitioner-tenant questioning the maintainability of eviction petition while seeking Order 7 Rule 11 CPC was rightly declined.

6. In view of the discussions made hereinabove, the present petition is dismissed.

7. The petitioner shall, however, be at liberty to move fresh application in this regard in case the question of validity of lease granted by Municipal Corporation, Bathinda in favour of respondent-landlord is adjudicated against respondent.

8. Dismissed with aforesaid liberty.

09.08.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

