

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

CR-4536-2023

Date of Decision: September 25, 2023

RENU BALA

..... Petitioner

Versus

SHARANJIT SINGH AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.K. Kapila, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 16.05.2023 passed by the Rent Controller Dasuya, whereby an application filed at the instance of petitioner-tenant, invoking Section 10 read with Section 151 of CPC for staying the proceedings in the eviction petition filed by respondents-landlord has been declined.

2. Briefly stating, an eviction petition came to be filed against the petitioner at the instance of respondents-landlord qua the demised premises i.e. a shop situated at Ward No.3 Aar Paar Market, Dasuya, District Hoshiarpur. In reply, the identity of the demised premises was disputed being shop No.430 and it was also submitted that the petitioner never remained as tenant over the same and rather was owner thereof on the basis of adverse possession and a title suit in this regard was pending before the competent Civil Court.

3. Based thereupon, an application under Section 10 read with Section 151 CPC was filed at the instance of petitioner-tenant with a prayer for grant of stay of proceedings in the eviction petition. The prayer made at the instance of petitioner-tenant was opposed at the

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hands of respondents-landlord by way of filing reply.

4. The Rent Controller vide order dated 16.05.2023 dismissed the application filed at the instance of petitioner-tenant.

5. Impugning the same, learned counsel for the petitioner submits that once title qua the demised premises was pending sub judice before the Civil Court, the proceedings in the eviction petition were required to be stayed till the adjudication thereupon.

6. I have heard learned counsel for the petitioner. I am unable to find substance in the submissions made by learned counsel for the petitioner.

7. I do not find any illegality or perversity in the order passed by the learned Rent Controller, wherein it has been rightly recorded that for the purpose of invoking Section 10 of CPC, the proceedings in both the litigations have to arise out of civil suit, further, even the subject matter in both the proceedings i.e. the civil suit and the eviction petition is neither directly nor substantially the same; as in the civil suit, title of the property is to be adjudicated upon, whereas in the eviction petition the relationship of landlord and tenant has to be gone into de hors the factum of title qua the demised premises.

8. In view of the reasons recorded by learned Rent Controller, finding no merits in the present revision petition, the same is dismissed.

25.09.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
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<i>Whether Reportable</i>	Yes/No
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