

CR-5323 of 2023 (O&M)

2023:PHHC:121551

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

CR-5323 of 2023 (O&M)

Date of decision: 14.09.2023

Bhupinder Singh

.....Petitioner

Versus

Gururaj Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Umesh Aggarwal, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 09.08.2023 (Annexure P-6) passed by Rent Controller, Amritsar, in Rent Petition No.508 of 2016 titled 'Gururaj Singh v. Bhupinder Singh' whereby application filed by the petitioner-tenant for dismissal of ejectment petition filed by the respondent-landlord, has been dismissed.

2. Brief facts relevant for disposal of the present revision petition are that respondent filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 before the Rent Controller, Amritsar, seeking ejectment of the petitioner from premises i.e. 113 sq. yards forming part of property *khana shumari* No.1552/11, situated at Tirath Shah Bhatia Road, inside Sultanwind Gat, Amritsar. Upon notice, petitioner filed his written statement. During the pendency of

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the rent petition, petitioner filed an application for dismissal of the petition, which has been dismissed by the Rent Controller, vide impugned order dated 09.08.2023.

3. Learned counsel for the petitioner contended that impugned order passed by the Rent Controller is perverse and not sustainable in the eyes of law. He further contended that the findings recorded by the Rent Controller are contrary to the record. He further contended that no specific dimensions have been given in the ejectment petition to ascertain the exact area from which respondent is seeking ejectment of the petitioner. He further contended that original owner of the property in dispute had died and till date the said property has not been partitioned and a civil suit is already pending between the co-sharers. He further contended that rent petition has been filed by the respondent without the consent of other co-sharers. He further contended that the impugned order being perverse and against the law is liable to be dismissed.

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

5. Admittedly, respondent is one of the co-sharers of the property in dispute. Other co-sharers in the property in dispute, namely, Manjit Singh, Mandeep Singh, Ranjit Kaur, Daljit Kaur, Bhupinder Kaur, Balbir Singh and Harjinder Kaur never appeared before the Rent Controller and raised any objection that respondent had not obtained any consent from them prior to filing the rent petition.

Perusal of the impugned order shows that two persons, namely, Bawa

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Singh and Jasbir Kaur have purchased specific properties having specific dimensions and boundaries and they have also obtained possession of their respective properties and they are not co-sharers in the demised property. This Court is of the opinion that petitioner is trying to delay the assessment of provisional rent and to enjoy the possession over the suit property. The present *lis* comes under the six year old action plan cases.

6. The impugned order passed by the Rent Controller is well-reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

14.09.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No