

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.217 of 2024 (O&M)
Date of Order:15.01.2024

Shyam Lal

.Petitioner

Versus

Chander Sein

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rajesh Lamba, Advocate, for the petitioner.

ANIL KSHETARPAL, J

1. This revision petition has been filed by the tenant, who has been ordered to be evicted by the Rent Controller in a petition filed by the landlord under Section 13 of the Haryana (Urban Control of Rent and Eviction), Act, 1973 (hereinafter referred to as the 1973 Act'). The aforesaid eviction order has been upheld by the appellate authority.
2. The respondent, namely, Sh. Chander Sein filed a petition seeking the eviction of the petitioner from the residential house which was let out for running a workshop. The eviction was sought on the ground of the non-payment of rent as well as the bonafide requirement of the landlord.
3. The petitioner while contesting the eviction petition claims that he is the tenant of the landlord's brother, namely, Sh. Anil Kumar.
4. On appreciation of the evidence, both the courts came to the conclusion that in the previous rent petition, the petitioner never disputed the relationship of the landlord and the tenant between him and Sh. Chander Sein, the respondent. The respondent while filing the eviction petition claimed that the aforesaid property has been transferred in his favour by his father vide registered transfer deed dated 07.11.2017, and thereafter the tenant executed a fresh rent

5. The learned counsel representing the petitioner submits that Sh. Anil Kumar has appeared in evidence and claimed the ownership.
6. This court has considered the submissions of the learned counsel representing the petitioner.
7. Under the 1973 Act, the court is required to examine the relationship of the landlord and the tenant between the parties in dispute. It is not necessary that the landlord must be an owner. The dispute, if any, inter-se between Sh. Anil Kumar and Sh. Chander Sein is not required to be decided by the Rent Controller. Once in the previous petition, the petitioner did not dispute the relationship of the landlord and the tenant between him and Sh. Chander Sein, both the courts have erred in ordering its eviction.
8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 9 Dismissed.
10. All the pending miscellaneous applications, if any, are also disposed of.

January 15, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO