

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2882 of 2017 (O&M)
Date of Order:24.01.2024

M/s Joginder Pal Bros. through Sh. Joginder Pal
(deceased) through LRs

.Petitioner

Versus

Dharamsala Dharmarth Sanstha and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner.

ANIL KSHETARPAL, J

1. In this revision petition, the correctness of the concurrent orders of tenant's eviction passed by the rent controller which in appeal has been affirmed by the appellate authority is assailed. Both the authorities have ordered petitioner's eviction on the ground that he has sub-let the second shop to Sh. Roshan Lal and parted exclusive possession.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed

3. Dharamsala Dharmarth Sanstha filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of the petitioner and Sh. Roshan Lal from two adjoining shops on the ground that the tenant has defaulted in payment of the rent and respondent no.1 has sub let the premises to respondent no.2 by parting with possession and the second shop. The respondents filed joint reply. They denied the

relationship of the landlord and tenant between the Sanstha and the petitioner. It was also asserted that both the shops are in exclusive possession of Sh. Joginder Pal.

4. On appreciation of the evidence, both the courts came to conclusion that the possession of the second shop has been handed over exclusively to Sh. Roshan lal without written permission of the landlord.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the petitioner while referring to the rent note, submits that the property was rented out by the respondent-Sanstha in favour of the firm M/s Joginder Pal & Brothers. He submits that Sh. Roshan Lal is brother of Sh. Joginder Pal and he is not in exclusive possession rather the possession is with the partnership firm.

7. This court has considered the submissions of the learned counsel representing the petitioner.

8. As already noticed, while filing the written statement and contesting the petition, the petitioner claimed that both the shops are in his exclusive possession. It was also asserted that Sh. Roshan Lal is not in possession of the second shop. It is evident that the petitioner is changing his stand time and again. The scope of interference in the revision petition is limited in view of the judgment passed by the Five Judge Bench in **Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh(2014) 9 SCC 78.**

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

11. All the pending miscellaneous applications, if any, are also disposed of.

January 24, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO