

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

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2024:PHHC:145232 

**CR-7735-2017 (O&M)
Date of decision: 07.11.2024**

RAJ KARAN @ BHOLA NATH

..Petitioner

Versus

RAJINDER PRASHAD

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajat Khanna, Advocate
Mr. Vijay Pratap Singh, Advocate
Mr. Balwan Singh, Advocate
Mr. Vishal Saini, Advocate for the petitioner.

Ms. Alka Chatrath, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed by the petitioner-tenant, whose eviction has been ordered by the Appellate Authority while reversing the Rent Controller's order. The respondent-landlord sought eviction of the petitioner on the ground of non-payment of rent.

2. The petitioner denied the relationship of landlord and tenant. The Rent Controller dismissed the eviction petition, however, the Appellate Authority upon reappraisal of evidence ordered petitioner's eviction.

3. It may be noted here that on 09.11.2017, the petitioner was directed to deposit Rs.1,00,000/- before the Registrar General of this Court, which is stated to have been deposited. Thereafter, also the petitioner has not paid the rent.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. The petitioner's counsel submits that the respondent has failed to prove his ownership as the registered sale deed dated 04.05.2007 is with respect to agricultural land and there is no reference to the shops.



6. Admittedly, the petitioner and his brother were inducted as tenant by late Sh. Janak Raj, who subsequently died. His property was inherited by his son Sh. Yudhister. The petitioner started paying rent to Sh. Yudhister. Thereafter, Sh. Yudhister sold the property vide registered sale deed dated 04.05.2007 in favour of Sh. Rajinder Prashad, Sh. Yashpal and Sh. Ashwani Gupta.

7. Sh. Yudhister has appeared in evidence on behalf of respondent and submitted that the shops in question have been sold to the respondent. In view of categorical statement of Sh. Yudhister, there is hardly any scope for doubting the respondent's ownership.

8. Learned counsel for the petitioner did not press any other argument.

9. The scope of interference in revision petition is limited in view of the judgment passed by the Five Judge Bench in **Hindustan Petroleum Corporation Limited Vs. Dilbahar Singh (2014) 9 SCC 78.**

10. Hence, no ground to interfere is made out.

11. Dismissed accordingly.

12. The Registrar General of this Court is directed to remit the amount to the Rent Controller, who shall disburse the same to the respondent forthwith.

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

November 07th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No