

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

118

2024:PHHC:004160

**CR-1837-2020 (O&M)
Date of decision: 12.01.2024**

RAJ KUMAR

..Petitioner

Versus

DINESH KUMAR AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sant Kashyap, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a tenant, who has been ordered to be evicted by the Appellate Authority. On appreciation of evidence, the Appellate Authority has found that the petitioner was inducted as a sub-tenant without written permission of the landlord by Sh. Yashpal, who was the original tenant. In order to prove tenancy in favour of Sh. Yashpal, the landlord proved a photocopy of the rent note, which was permitted to be proved by leading the secondary evidence. On appreciation of the rent note as well as the oral evidence, the Appellate Authority has come to a conclusion that the possession of the petitioner is as a sub-tenant, who has been inducted by the original tenant without the written permission of the landlord. The learned counsel representing the petitioner contends that the First Appellate Court has erred in reversing judgment of the rent controller. He submits that the petitioner was inducted as a tenant by the landlord namely Sh. Dinesh Kumar.

2. On a Court question, the learned counsel representing the petitioner admits that there is no documentary evidence to prove that the petitioner was inducted as a tenant by Sh. Dinesh Kumar, the landlord. 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.*

3. The learned counsel representing the petitioner has failed to draw the attention of the Court to any perversity in the impugned order.
4. Hence, dismissed accordingly.
5. All the pending miscellaneous applications, if any, are also disposed of.

January 12th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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