

CR-3798-2019 (O&M)

2024:PHHC:051610

1

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3798-2019 (O&M)

Date of decision :16.04.2024

Apandeep Singh

...Petitioner

Vs.

Gurdwara Mastuana Sahib

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Ayush Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the tenant prays for setting aside interlocutory order passed by the Rent Controller on 15.05.2019 while assessing the provisional rent, which is payable by the tenant.

2. Learned counsel representing the petitioner contends that the respondent previously filed Rent Petition No. 64 dated 02.07.2015, which was dismissed on 08.08.2018. In the aforesaid judgment, it was held that the respondent has appropriate remedy to file a civil suit for recovery of possession. She submits that the second petition under the Rent Act is not maintainable.

3. *Per contra*, learned counsel representing the respondent submits that the previous petition was not held maintainable as the respondent herein had claimed that the petitioner herein was an unauthorized occupant. He submits that petitioner herein, who was

respondent in the previous petition had claimed that he was a tenant. He submits that the previous petition was filed on wrong advice and in this petition, the respondent admits that the petitioner is a statutory tenant, which fact is not disputed by the petitioner.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. Relationship of landlord and the tenant between the parties is not a dispute in these proceedings. In the previous petition, there was no finding that there was no relationship of landlord and tenant between the parties. The previous petition was dismissed only on account of the fact that the petitioner had taken a wrong stand, however, that will not debar the owner/landlord to file fresh petition.

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

7. Dismissed.

16.04.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No