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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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Date of decision : 12.12.2024

Jatinder Kumar

... Petitioner

Versus

Balwant Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishnu Dutt, Advocate for
Mr.Naveen Bawa, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present revision petition is to the judgment dated 11.03.2024 vide which the Rent Controller has allowed the eviction petition filed by the respondents. Challenge is also to the order dated 14.08.2024 vide which the appeal filed by the petitioner against the said judgment has been dismissed by the Appellate Authority, Ludhiana.

2. Learned counsel for the petitioner has submitted that there was no relationship of landlord and tenant between the present petitioner and the respondents and that the petitioner had illegally occupied the premises and was in adverse possession of the same. It is submitted that in the said circumstances, since there was no relationship between the landlord and tenant, thus the Rent Authority under the Rent Act had no right to pass the

order of eviction and thus, the impugned order and judgment deserve to be

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set aside and the eviction petition filed by the respondents deserves to be dismissed.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book and finds that the pleas raised by the petitioner are meritless and deserve to be dismissed for the reasons given hereinafter.

4. Respondents no.1 to 6 had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the present petitioner from the shop in question on the averments that Shingara Singh, father of respondents no.1 and 2 and of deceased Kulwant Singh, was the owner of a piece of land comprised in khasra no.633, khewat / khatuni no.848/908 and khasra no.1900/634, 1902/634, khewat / khatauni no.561/597 situated at Taraf Saidan now known as Bihari Colony, Opp. Guru Arjan Dev Nagar, Tajpur Road, Ludhiana and on the said land, had raised construction in the shape of shops for the purpose of letting out and one of the shops, was let out to the present petitioner at a monthly rent of Rs.1500/-. It was further averred that the present petitioner had started paying monthly rent and thereafter, Shingara Singh had died on 24.04.2008 and after the death of said Shingara Singh, the entire property including the shop in dispute was inherited by the legal heirs of said Shingara Singh i.e., respondents no.1 to 6 and thus, they became owners/ landlords of the shop in dispute. It was averred that intimation regarding death of Shingara Singh was given to the present petitioner, who attorned in favour of the present respondents and started making payment of rent to them and thus, there was relationship of landlord and tenant. The eviction petition was filed on the



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ground that the present petitioner had not been paying the arrears of rent w.e.f. 01.12.2011 at the rate of Rs.1500/- per month.

5. In the written statement, the plea taken by the present petitioner was that there was no relationship of landlord and tenant. The Rent Controller framed the following issues in the case:-

“(i) Whether the respondent is liable to be evicted from the property in dispute on the ground of non-payment of rent?OPA

(ii) Whether present petition is not maintainable?OPR

(iii) Whether petitioner has no locus standi and cause of action to file the present petition?OPR

(iv) Whether petitioners are not the lawful owner of the property in dispute?OPR

(v-a) Whether petitioner has not come to the court with clean hands and has suppressed the material facts from the court if so its effect?OPR

(v-b) Whether petitioner has any relationship as landlord and tenant with the respondent?OPR

6. Issues no.(i) and (v-b) were the two important issues in the present case. The Rent Controller vide judgment dated 11.03.2024 allowed the eviction petition on the ground of non-payment of rent and directed the present petitioner to vacate the premises in two months time. While coming to the conclusion that there was relationship of landlord and tenant, the Rent Controller took into consideration the jamabandi for the year 2002-03, which was duly exhibited as Ex.P4, and as per which the property in question had been inherited by Balwant Singh-respondent no.1 along with his brothers being sons of Shingara Singh. It was further observed that on the other hand, the petitioner had not even produced a single documentary

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proof to show as to in what capacity, they were residing in the suit property. It was further observed that the present petitioner had appeared as RW-1 and in his cross-examination, he had admitted that he was the tenant in the disputed property and after considering the same, the Rent Controller had passed the said judgment. The rent Controller while passing the said judgment had decided issue no.(i) in favour of the landlord and against the present petitioner and issues no.(ii) to (v-b) against the present petitioner.

7. The Ist Appellate Court in paragraph 16 of its judgment had reproduced the relevant portion of the evidence of the present petitioner who appeared as RW-1 and perusal of the said evidence would show that the present petitioner had specifically stated that he does not challenge his tenancy under respondents no.1 to 6 herein and had further stated that he knew that the owners of the property had filed the eviction petition against him and that he had not filed any suit challenging the ownership of the present respondents no.1 to 6 and that he was neither the owner of the suit property nor had any document of title with him. It was observed that from the said evidence it was apparent that the present petitioner had admitted the relationship of landlord and tenant between the parties and also the ownership of respondents no.1 to 6. The Appellate Authority had further relied upon the provision of the Indian Evidence Act which estops a tenant from denying title of the landlord during the continuance of the tenancy. Reference has also been made to the jamabandi and other documents to come to the conclusion that respondents no.1 to 6 were the owners of the property in question. Taking into consideration all these facts, the appeal



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was dismissed.

8. The abovesaid findings clearly show that the aspect with respect to the relationship of landlord and tenant had been admitted by the tenant-petitioner, who had appeared as RW-1 and the said admission by RW-1 has not been disputed before this Court, nor it has been stated that the said evidence has been misread. The said vital piece of evidence, in addition to the jamabandis and documents which are already on record, clearly show that the petitioner is a tenant under the respondents and both the trial Court as well as the Ist Appellate Court have correctly come to the said conclusion and the concurrent findings of both the Courts on the said aspect do not suffer from illegality or perversity. The aspect of the petitioner being in arrears of rent w.e.f. 01.12.2011 and the finding on the same have not been challenged and thus, the eviction of the petitioner on the ground of non-payment of rent, is in accordance with law.

9. Accordingly, the impugned orders deserve to be upheld and present revision petition being meritless deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

December 12, 2024.
Davinder Kumar

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