



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

239

CR-3233-2016 (O&M)
Date of decision: 23.07.2025

Gaddi Suthre Shah (Dharamshala Sutherean)

...Petitioner

Vs.

**Parmeshvari Dass (now deceased) through
his legal representatives and others**

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kulbhushan Sharma, Advocate for the petitioner.

Mr. Nitin Sachdeva, Advocate for
Mr. Ankur Ghai, Advocate for respondent No.3.

NIDHI GUPTA, J.

Present Civil Revision Petition has been filed by the landlord against the judgment dated 08.02.2016 passed by the learned Appellate Authority, Ludhiana; thereby reversing the judgment/order dated 18.12.2014 passed by the learned Rent Controller, Jagraon.

2. Brief facts of the case are that the petitioner is a registered Trust. Basant Shah is authorised and nominated to manage the property of the trust. On 9.5.1983, the demised premises in the ownership of the petitioner, and as described in the petition were taken on rent by the respondents at a monthly rent of Rs.60. Vide Agreement dated 03.01.1992 same was enhanced to Rs.80/-. Thereafter, petitioner had filed Eviction Petition dated Nil (Annexure P-1) under Section 13 of East Punjab Rent



Restriction Act seeking ejectment of the respondents from the demised premises on the following grounds: -

- a) Respondents have failed to pay the arrears of rent since July 1994;
- b) The property has become unsafe and unfit for human habitation; and
- c) That the premises are required by the petitioner for his own use and occupation for constructing temples and rooms for stay of Sadhu and religious persons and other functions for the benefit of the locality.

3. Upon notice, respondents had appeared and filed written statement to the Rent Petition admitting therein the relationship of landlord and tenant between the parties.

4. Upon appraisal of the pleadings and the evidence led by the parties, the Id. Rent Controller vide judgment and order dated 18.12.2014 had allowed the Rent Petition and directed the respondents to handover the vacant possession of the demised premises to the petitioner within a period of 2 months from the date of order. Against the said order, the respondents filed Rent Appeal dated 03.01.2015. Vide impugned judgment dated 08.02.2016, the said Rent Appeal of the respondents has been allowed by the learned Appellate Authority, Ludhiana. Hence, the present Revision Petition by the landlord.

5. It is *inter alia* submitted by learned counsel for the petitioner-landlord that the learned Appellate Authority has allowed the appeal of the respondents primarily on the grounds that: -

- a) the petitioner-Trust is not a legal entity and therefore cannot sue; and



b) because the petitioner has not mentioned in its Rent Petition that after the coming into force of the 1949 Act, the petitioner is not occupying any other similar premises.

6. Learned counsel for the petitioner contends that in view of the fact that the landlord-tenant relationship has been admitted by the respondents in their written statement, nothing more remained to be determined. The learned Appellate Authority has erred in law in accepting the respondents' appeal *inter alia* on the ground of authority of Basant Shah. In fact, respondent used to pay rent to Basant Shah himself. Further, in passing the impugned order, the learned Appellate Authority has gone beyond the contentions raised by the respondents.

7. It is further submitted that the Ld. Appellate Authority has also accepted the appeal as the words "*not occupying any premises nor has vacated any such property and has not vacated such premises*" have not been pleaded. It is pointed out that in the affidavit by way of examination-in-chief this fact is mentioned. Learned counsel argues that non-mentioning of the aforesaid words in the pleadings did not prejudice the respondents in any alleged manner whatsoever as the same has been stated in the affidavit and so much so the respondent have not pleaded in their reply to the corresponding paras that there is any other building in occupation of the petitioner and they have vacated such building in the concerned area. Therefore, findings of the Ld. Appellate Authority are wholly illegal, perverse and not sustainable in the eye of law.



8. It is further submitted that the pleading of the aforesaid sentences in the petition is not mandatory as the same can be gathered and put to the knowledge of the respondents by other means like affidavit in the present case. Therefore, non-suiting the petitioner on this ground by the appellate authority is wholly illegal, perverse and not sustainable.

9. Ld. Counsel further points out that the Ld. Appellate Authority has also non-suited the petitioner on the ground that the petitioner seeks the ejectment of the tenant on the ground other than the purpose for which the premises were given on rent to the respondents. These findings are wholly untenable in the eye of law as the petitioner is a religious institution and the suit property is an urban plot/rented land even as per the case of the respondent, and the petitioner has sought the eviction on the ground that it is required for raising the temple and constructing the rooms for the Sadhus and for other functions for the benefits of the locality. The judgment relied by the appellate authority in this behalf is not applicable to the present facts and circumstances of the case as the rented land/ plot can be got vacated for the said purpose of the religious institution like the petitioner and there is no bar in the law. Even the demised premises can be vacated for the aforesaid purpose under the law and there is no bar.

10. It is accordingly prayed that the present Civil Revision Petition be allowed; and the impugned judgment dated 08.02.2016 be set aside.

11. *Per Contra*, it is submitted by learned counsel for the respondents that the impugned judgment suffers from no error as Basant



Shah did not have any authority to file Rent Petition and the plea coming forward to file their Rent Petition have nothing to do with the Trust. It is further submitted that rent has been paid continuously to the petitioner since 09.05.1983. Learned counsel for the respondent also candidly admits that rent was being paid to Basant Shah.

12. Learned counsel for the respondents further submits that in the absence of mandatory pleadings, Rent Petition could not have been accepted. It is contended that even in the affidavit of Basant Shah Ex.AW3/C, there is no averment that the petitioner did not own any other property. It is submitted that as per law, it is mandatory that there be pleading as well as evidence to prove that the petitioner was not occupying any other property. In the present case, both are missing. It is reiterated that the petitioner is not authorised to file the Rent Petition. Therefore, Rent Petition is defective.

13. In support, learned counsel for the respondent relies upon the Full Bench judgment of Gujarat High Court passed in **Atmaram Rachhodbhai vs. Gulamhusein Gulam Mohiyaddin and another, Law Finder Doc Id # 248619, decided on 02.03.1972**, wherein it is held that *“unless the instrument of trust otherwise provides, all co-trustees must join in filing a suit to recover possession.”* It is accordingly prayed that the present Revision Petition be dismissed.

14. No other argument is raised on behalf of learned counsel for the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions made on behalf of the petitioner.



15. The learned Appellate Authority has accepted the appeal of the respondent-tenant primarily on the grounds that: a) the petitioner was not competent to sue; b) that petitioner had failed to plead that it was not occupying any other premises; and c) that the petitioner had failed to prove certain relevant documents such as the Trust Deed, et cetera. I find all of the abovesaid grounds to be erroneous, for the reasons given hereinbelow.

16. A perusal of the record shows that the petitioner in para 3 of its Rent Petition (Annexure P1) had pleaded that there is relationship of landlord and tenant between the parties. In the written statement thereto (Annexure P-2), the respondents in reply on merits to para 3 of the rent petition, have stated as follows:

“In reply to para No. 3 of the petition, it is submitted that the respondents took the vacant plot from the petitioner on rent at the rate of Rs. 60/- per month. The site plan filed by the petitioner is incorrect. It is correct that the rate of rent was enhanced from Rs. 60/- to Rs.80/- per month. The relationship of landlord and tenant between the parties is not denied.”

17. Therefore, the respondents have admitted landlord-tenant relationship between the parties. It is my clear and considered view that as the respondents have admitted the landlord tenant relationship between the parties, nothing more remains to be determined. Unequivocally once the relationship is admitted, the petitioner was within his rights to seek ejection of the respondent from the demised premises as per law. As such, findings of the learned Appellate Authority to the effect that *“Trust is not a legal entity and it cannot sue or be sued in the name of Trust and as such,*



the application for ejectment against the respondents should have been filed by all the Trustees and it could not be maintained by one of the Trustees on behalf of all the Trustees without impleading all the Trustees” is untenable in the eyes of law. It has been admitted by the learned counsel for the respondent that rent was being paid to Basant Shah, the Trustee of the petitioner Trust. In this situation, the tenant cannot question the authority of the petitioner; and therefore, the above reasoning of the Appellate Authority, is unsustainable.

18. The present Revision Petition was filed by Basant Shah who is a Trustee of the petitioner-Trust. Therefore, once having admitted landlord-tenant relationship, it did not lie in the mouth of the respondents to challenge the authority of Basant Shah; especially in view of the admitted fact that rent has been tendered and paid by the respondents to the petitioner through Basant Shah, which rent has been received by Basant Shah on behalf of the petitioner. However, this fact has been ignored by the learned Appellate Authority in passing the impugned judgment.

19. In any event, the above reasoning of the Appellate Authority cannot be sustained in view of judgment passed by a Coordinate Bench of this Court in **M/s British Motor Company Pvt. Ltd. v. Sewak Sabha Charitable Trust, (P&H) : Law Finder Doc Id # 65157** wherein it is held that:

“A. East Punjab Urban Rent Restriction Act, 1949, Section 13(3)(3)(a) - Juristic Person - Premises owned by trust which was duly registered with Registrar of Societies - Trust is a juristic identity - Ejectment petition has been filed by the Trust



in its own name and not by the trustees - No illegality. 1998(2) RCR(Rent) 735 distt.

E. East Punjab Urban Rent Restriction Act, 1949, Section 13(3)(a)(i)(a) - Civil Procedure Code, Order 6 Rule 2 – Pleadings - Suit for eviction - All ingredients not pleaded Where the parties properly understood each other's case and necessary evidence was adduced, technical ground of omission to plead requirement in specific terms cannot be a ground of non-suiting the landlord. 1995(1) RCR (Rent) 518 (SC), 2002(2) S.C.C. 686 relied.

F. East Punjab Urban Rent Restriction Act, 1949, Section 13(3) (a) - Landlord has a right to evict tenant from non-residential building - Denial of right of eviction to the landlord from a non-residential building is discriminatory and, therefore, struck down being violative of Article 14 of the Constitution of India.

G. East Punjab Urban Rent Restriction Act, 1949, Section 13(3)(a)(i) - Eviction sought on a number of grounds - Landlord failed to prove one ground - Does not mean that the landlord is to be disbelieved on all the grounds - The doctrine falsus in uno falsus in omnibus is not a doctrine applicable in India.”

20. The relevant para of the said judgment is reproduced as under:-

*“15. The learned counsel for the petitioner lastly argued that the landlord is a Trust but the ejectment petition has been filed by the Trust in its own name and not by the trustees. The reliance was placed on **Mandir Jamuna Dass Jawaharlal S. Sanatam Dharam Mahabir Dal Trust v. Shankar Dass, 2003(1) R.C.R. 582**. The Trust is not a juristic identity and, therefore, the*



*ejectment petition could be filed only by the trustees. The learned Appellate Authority has discussed this argument and relying upon **Jawahar Lal v. Dev Raj and another, 1998(2) R.C.R. 735** held that where the premises belonging to Trust have been let out, one of the trustees is authorised to receive rent from any person who is entitled to receive rent whether on his own behalf or even on behalf of other person, would be a landlord. Similarly a Trustee who is entitled to receive rent would be a landlord and, therefore, such a person would be entitled to maintain a petition for ejectment of tenant.”*

21. It is further my view that in passing the impugned judgment, the learned Appellate Authority has committed grave error in also ignoring the fact that the Chairman of the petitioner-Trust, namely, Mahant Vivek Shah had himself stepped into witness box and proved the authority letter and the Trust Deed Ex.A3 and the entire proceedings regarding his appointment as a Chairman. Therefore, no further evidence was required to establish the authority and competence of Basant Shah.

22. Furthermore, the Trust Deed Ex.A-3 is the copy of the registered document and the proceedings regarding appointment of Mahant Vivek Shah as Chairman/Managing Trustee Ex.A-4 are duly proved by examining Basant Shah AW-3 and Mahant Vivek Shah as AW-4 who have also proved the Trust Deed Ex.A-3 as well and the authority letter duly issued by Chairman in his favour as Ex.A-1. There is no document produced by the respondent controverting the said document or to the effect that instead of Mahant Vivek Shah there is someone else who is the Chairman of the Trust. In view of the proof that the branch of Gaddi Suthreh Shah



Jagraon is being managed by Mahant Basant Shah for several years, the findings of the Ld. Appellate Authority not relying upon A-3, A-4 and A-1 are wholly illegal, perverse and not tenable in the eye of law.

23. Even further, it is settled principle of law is that the tenant cannot challenge the title or the authority of the landlord. Therefore, the Ld. Appellate authority has erred in law in accepting the appeal inter-alia on the ground of authority of Basant Shah. The Trust Deed and the supplementary trust deed are registered documents duly registered by the office of Sub Registrar. Therefore, the authenticity of the same cannot be challenged/questioned by the tenants and as such mere filing of a copy of the same are sufficient to prove the same. Though in the present case the same has been duly proved by Basant Shah AW-3 and Mahant Vivek Shah AW-4 and as have been rightly held by the Ld. Rent Controller. Hence findings of the Ld. Appellate Authority that these documents are not proved are wholly illegal, perverse and not sustainable in the eye of law.

24. In this regard, support may be drawn from the judgment passed by a Coordinate Bench of this Court in **Radhika Parshad v. Akki Bai Oswal Trust (Regd.), (P&H) : Law Finder Doc Id # 820506** wherein it is held that "*East Punjab Urban Rent Restriction Act, 1949, Sections 13 Relationship of landlord and tenant Question of title It was admitted that defendant is the tenant of plaintiff -A tenant cannot challenge the status of the landlord Trust.*" It is further held in para 11 of the said judgment as follows: -

"11. As regards the plea of the counsel for the petitioner that there is nothing on the record to show as to how the trust deed



dated 09.06.2008 came into existence as the trust deed cannot be written again, suffice it to say that the petitioner has admitted the factum of coming into existence of the respondent-Trust on 06.07.1955 which has been duly proved by production of the trust deed Exhibit P-9 and after the death of certain trustees, Trust has been reconstituted on 09.06.2008 with the present trustees, who are respondents 2 to 6 to this petition. Further, the same has been proved on record as Exhibit P-10. It is a settled preposition of law that when the relationship of landlord and tenant is not in dispute between the parties, the tenant cannot dispute the ownership of the entity, especially when as in the present case it has admitted that he is the tenant of the respondents. Petitioner, who is a tenant, cannot challenge the status of the Trust in the light of the Judgment of the Supreme Court in National Spiritual Assembly of India's case (supra). None of the pleas and the grounds, which have been pressed into service by the counsel for the petitioner, would sustain as the order passed by the authorities below do not suffer from any bias of misreading or misinterpretation of the pleadings or the evidence which has been brought on record. The orders being based on proper appreciation of the pleadings and the evidence after taking into consideration the statutory provisions and the law on the subject, do not call for any interference by this Court in exercise of its revisional jurisdiction."

25. Reference may also be made to another judgment passed by a Coordinate Bench of this Court in **Ashok Kumar Kapoor v. Arun Behl, (Punjab And Haryana) : Law Finder Doc Id # 2013569** wherein it is held as under:-



“Written statement of petitioner/tenant reveals that he has nowhere specifically denied the landlord-tenant relationship between him and the respondent - Rather, the reply on the face of it, is vague and evasive Therefore, in absence of any categoric denial by the petitioner, the landlord-tenant relationship between the parties shall be deemed to have been admitted Petitioner is therefore, estopped from questioning the title of his landlord once the relationship of a landlord and tenant stands admitted from the tone and tenor of his written statement filed before the Rent Controller - No ground is made out to invoke the revisional jurisdiction of this Court - Present revision petition accordingly dismissed.”

26. The relevant paras of the above said judgment are reproduced hereinbelow: -

“7. A perusal of the written statement of the petitioner-tenant reveals that he has nowhere specifically denied the landlord-tenant relationship between him and the respondent. Rather, the reply on the face of it, is vague and evasive. It may be observed that an evasive and vague denial is no denial in the eyes of law, specially when the petitioner did have specific knowledge qua the existence or otherwise of landlord-tenant relationship. Therefore, in the absence of any categoric denial by the petitioner, the landlord-tenant relationship between the parties shall be deemed to have been admitted.

8. The petitioner is therefore, estopped from questioning the title of his landlord once the relationship of a landlord and tenant stands admitted from the tone and tenor of his written statement filed before the Rent Controller.”



27. Reference may also be made to a judgment passed by Hon'ble Supreme Court in **Jaspal Kaur Cheema v. Industrial Trade Links, (SC) : Law Finder Doc Id # 876535** wherein it is held as under: -

“(A) East Punjab Urban Rent Restriction Act, 1949, Section 13(3)(ai) - Evidence Act, 1872 Section 116 Premises let by landlord - A tenant who has been let into possession cannot deny his landlord's title, howsoever, defective it may be, so long as he has not openly restored possession by surrender to his landlord - AIR 1915 Privy Council 96 and 2006(1) RCR (Rent) 253; 2006(2) RCR (Civil) 38 Relied.

28. The relevant portion of the said judgment is reproduced below:-

*“11. This Section deals with estoppel of a tenant founded upon contract between the tenant and his landlord. It enumerates the principle of estoppel which is merely an extension of principle that no person is allowed to approbate and reprobate at the same time. The tenant who has been let into possession cannot deny his landlord's title. In **Mt. Bilas Kunwar v. Desraj Ranjit Singh & Ors. AIR 1915 Privy Council 96**, it was held that a tenant who has been let into possession cannot deny his landlord's title, however, defective it may be, so long as he has not openly restored possession by surrender to his landlord.*

*12. The principle of estoppel arising from contract of tenancy is based upon the principle of law and justice that a tenant who could not have got possession but for a contract of tenancy admitting the right of the landlord, should not be allowed to put his landlord in some inequitable situation taking undue advantage of the position that he got and any probable defect in the title of his landlord. This Court in **Bansraj Laltaprasad Mishra v. Stanley Parker Jones 2006(2) RCR (Civil) 38:2006(1)***



RCR (Rent) 253: (2006) 3 SCC 91 has enumerated the policy underlying Section 116 as follows:

"The underlying policy of Section 116 is that where a person has been brought into possession as a tenant by the landlord and if that tenant is permitted to question the title of the landlord at the time of the settlement then that will give rise to extreme confusion in the matter of relationship of the landlord and tenant and so the equitable principle of estoppel has been incorporated by the legislature in the said section. The principle of estoppel arising from the contract of tenancy is based upon a healthy and salutary principle of law and justice that a tenant who could not have got possession but for his contract of tenancy admitting the right of the landlord should not be allowed to launch his landlord in some inequitable situation taking undue advantage of the possession that he got and any probable defect in the title of his landlord. It is on account of such a contract of tenancy and as a result of the tenant's entry into possession on the admission of the landlord's title that the principle of estoppel is attracted. Section 116 enumerates the principle of estoppel which is merely an extension of the principle that no person is allowed to approbate and reprobate at the same time."

13. In **S. Thangappan v. P. Padmavathy, 1999(2) RCR (Rent) 277: (1999) 7 SCC 474**, this Court has held that Section 116 puts an embargo on a tenant of an immovable property, during the continuance of his tenancy to deny the title of his landlord at the beginning of his tenancy, however defective the title of such landlord could be. In **Keshar Bai v. Chhunulal 2014(1) RCR (Rent) 183: 2014(2) Recent Apex Judgments (R.A.J.) 206:**



(2014) 11 SCC 438, this Court has held that a tenant is precluded from denying the title of the landlady on the general principle of estoppel between the landlord and the tenant and this principle in its basic foundation, means no more than that under certain circumstances law considers it unjust to allow a person to approbate and reprobate. It was further held that even if a landlady was not entitled to inherit the properties in question, she could still maintain an application for eviction.”

29. From the above case laws, it is amply established that the respondents who had admitted being tenant of the petitioner, are estopped from questioning the title of the petitioner. The learned Appellate Authority has, therefore, misguided itself in this respect in holding that petitioner was not eligible to sue.

30. It has next been held by the learned Appellate Authority that the petitioner has not averred in its Rent Petition that after 1949 Act, petitioner is not occupying any other premises. Even the said reasoning of the learned Appellate Authority is ill founded. In this regard, I refer to the judgment passed by a Coordinate Bench of this Court in **Ramesh Kumar Goyal v. Hardayal (P&H) : Law Finder Doc Id # 1399855** wherein it is held as under: -

“Mere absence of pleading by landlord that he has not vacated any premises within concerned urban area - Not sufficient to non-suit landlord. (A) East Punjab Urban Rent Restriction Act, 1949, Section 13(3) Lack of specific pleading -Maintainability of petition for eviction There is indeed no evidence to indicate that landlord is owner of, in possession and occupation of any



other premises in concerned urban area -Merely because it is not pleaded by landlord himself that he has not vacated any such premises within concerned urban area - Not sufficient to non-suit landlord in facts and circumstances of case. (B). East Punjab Urban Rent Restriction Act, 1949, Section 13(3) Bonafide requirement - Eviction - Personal bonafide necessity of landlord is to be viewed from point of view of landlord - Said need is not to be viewed by Court with taint of suspicion - Landlord categorically pleaded that he retired from service from office of Superintending Engineer, Electrical Circle - It is specifically pleaded that landlord wanted to start business of selling electronic goods in shop in question - Need of Landlord bonafide."

31. Reference may also be made to another judgment of this Court in **Baldev Raj v. Ram Lal, (P&H) : Law Finder Doc Id # 123002** wherein it is held that: -

"East Punjab Urban Rent Restriction Act, 1949, Section 13(3)(a) (i) -Pleadings - Suit for eviction on ground of bonafide requirement - No pleading by landlord in the plaint that he was not occupying any other residential building in the urban area concerned and also that he had not vacated any residential building without sufficient cause, in the said urban area - Landlord, however, led evidence to this effect - Ejectment cannot be denied - It is not necessary to plead all the ingredients in the ejectment application but there must be evidence for proving the same and in the absence of any evidence regarding those ingredients for ejectment, it can be said that the ground of ejectment is not proved."

The relevant para of the said judgment is as under:-



“5. Contention of counsel for the respondent that as the petitioner has failed to state in his application that he was not occupying any other residential building in the urban area concerned and also that he had not vacated any residential building, without sufficient cause, in the said urban area and as such his application has rightly been dismissed by the Appellate Authority, deserves to be rejected. Even the Appellate Authority, after looking into various judgments of the Apex Court and also of this Court, in para No. 16 has observed that it is not necessary to plead all the ingredients in the ejectment application but there must be evidence for proving the same and in the absence of any evidence regarding these ingredients for ejectment, it can be said that the ground of ejectment is not proved. The Appellate Authority has gone wrong by stating that the petitioner has failed to prove that he was not occupying any other residential building, without sufficient cause, after the commencement of the Act. It has been noticed by the Rent Controller that the demised premises is the only residential building available with the petitioner, in a small portion of which he was residing when the application was filed. The second house, which was a joint property and was not partible, had already been sold by the petitioner at the instance of his sister, a co-sharer. Records further reveal that in his deposition, the petitioner had specifically stated that apart from the house in dispute since 1947, he had not got any other house either as owner or as a mortgage or otherwise. In his cross-examination, even no suggestion was put to the petitioner that he has been occupying any other residential house, without any sufficient cause. Records further show that no such specific objection was raised even in the written-statement. It is apparent from the records that both the parties



were alive to the situation. The respondent even made an attempt to show that the petitioner-landowner had been occupying another house but the said contention was not accepted by the Rent Controller. Even that contention did not find favour with the Appellate Authority. It has come on record that the second house was a joint house, not partible and under compulsion, the same was sold by the petitioner about 4/5 years earlier to the filing of the present ejectment application. In view of the facts and circumstances of the case, this Court is of view that the petitioner was successful in proving all ingredients of personal necessity to show that he needs the demised premises for his own use and occupation."

32. The above view has been accepted by this Court in all the following judgments as well:-

1. **Balwant Singh @ Banta through his legal heirs vs. Satnam Singh, 2023(1) RCR (Rent) 390 (P&H), Law Finder Doc Id # 2101888;**
2. **Sat Parkash Chaudhary vs. Kewal Krishan Malhotra, 2011(1) RCR (Rent) 340 (P&H), Law Finder Doc Id # 251177;**
3. **Dr. J.S.Sodhi vs. Mela Ram, 2001(2) RCR (Rent) 396 (P&H), Law Finder Doc Id # 3768;**
4. **Daulat Ram son of Harnam Mal Aggarwal vs. Girdhari Lal son of Kira Mal Aggarwal, 1980(2) RCR (Rent) 108 (P&H), Law Finder Doc Id # 57450;**
5. **Inder Kaur widow of Madho Singh vs. Mehar Singh, 1984(1) RCR (Rent) 205 (P&H), Law Finder Doc Id # 56276; and**
6. **Sumer Chand vs. Shri Harish Chander, 1980(1) RCR (Rent) 606 (P&H), Law Finder Doc Id # 57786.**



33. Thus, in view of the above overwhelming case law, the legal position in the present case is clearly established in favour of the petitioner. Once the respondents have admitted landlord-tenant relationship between the parties in clear terms, they cannot seek to take any benefit from any alleged incompetency of Basant Shah in filing the Rent Petition. The respondent can derive no benefit from the relied upon judgment in case of **Atmaram supra** as the same is distinguishable on facts and law.

34. In view of the above discussion and the unequivocal legal position as noticed above, the present Civil Revision Petition is hereby **allowed**; and the judgment dated 08.02.2016 passed by the learned Appellate Authority, Ludhiana is set aside.

35. Pending application, if any, stands disposed of.

23.07.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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