



CR-2726-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(279)

CR-2726-2023 (O&M)

Date of decision: - 06.05.2026

Sharad Kapoor

....Petitioner

Versus

Manjit Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. J.S. Thind, Advocate, and
Mr. Divyanshu Bansal, Advocate
for the petitioner.

Mr. B.D. Sharma, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside/modification of the order dated 08.08.2022 (Annexure P-3) passed by the Civil Judge (Jr. Division), Amritsar vide which the application filed by the respondent under Section 10 CPC has been allowed and the eviction proceedings have been stayed, subject to certain directions.

2. The admitted facts of the present case are that the present petitioner had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 against the respondent for eviction from the premises in question on the ground of non-payment of rent and other



grounds. It was the case of the petitioner that the respondent was his tenant and there was also a rent note dated 19.05.2014 executed between the parties. Although, the written statement filed by the respondent-tenant has not been placed on record, but it has been jointly submitted before this Court that the respondent had denied the relationship of landlord and tenant and he had also denied the execution of the said rent note. It is also not disputed before this Court that it is a matter of settled law that in case the relationship of landlord and tenant is not denied, then, in such a situation, the Rent Controller is required to pass an order of provisional assessment of rent and subsequent consequences follow depending upon the compliance of the said order of provisional assessment of rent. It is also not disputed before this Court that in case the respondent denies the relationship of landlord and tenant, then, in such a situation, the issue with respect to the said relationship is required to be framed by the trial Court and a finding regarding the same is also required to be given. In the present case, the said procedure had not been followed and the trial Court, while deciding the application under Section 10 of CPC read with Section 151 CPC for stay of proceedings, has observed that the tenant cannot be asked to pay rent to various persons. Once the petitioner is pleading the execution of a rent note and it is also his case that he is the landlord, then, the issue with respect to relationship of landlord and tenant is required to be decided.

3. During the course of hearing, a very fair stand has been taken on behalf of the petitioner as well as on behalf of the respondent and it

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has been jointly submitted that the impugned order dated 08.08.2022 (Annexure P-3) be set aside and the Rent Controller/trial Court be directed to proceed in accordance with law.

4. Keeping in view the above-said facts and circumstances and on the basis of consensus between the parties, the impugned order dated 08.08.2022 is set aside and the application under Section 10 CPC is dismissed and the present revision petition is disposed of with a direction to the trial Court to proceed in the matter in accordance with law.

5. Pending applications, if any, stand disposed of in view of the above-said order.

May 06, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No