

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129-2****CR-3468-2026 (O&M)****Date of decision: 23.04.2026****Sanjay****...Petitioner(s)****Vs.****Balwant Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Tanvir Singh Attariwala, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition has been filed by the tenant laying challenge to the order dated 24.05.2024 (Annexure P-1) passed by Ld. Appellate Authority, Ludhiana whereby warrant of possession issued by the Executing Court, have been stayed on the condition of deposit of the arrears of rent by the petitioner.

2. It is *inter alia* submitted by learned counsel for the petitioner that the learned Appellate Authority was in error in imposing conditional stay of warrants of possession as it did not take into consideration the fact that the only ground taken by the respondents in their Ejectment Petition is non-deposit of arrears of rent. It is contended that therefore, imposing condition of deposit of complete arrears of rent will *per se* defeat the very purpose of the Appeal filed by the petitioner before the learned Appellate Authority. In effect, petitioner will lose his right to Appeal if entire arrears of



rent are to be deposited. Moreover, said deposit is beyond income and financial capacity of the petitioner.

3. It is further submitted that petitioner deserves parity with similar persons involved in similar case against whom Ejectment Petition had been filed by the respondents. It is submitted that in the similar cases - Annexures P-7 and P-8 attached with the present Revision Petition, learned Appellate Authority has stayed execution proceedings without imposing any condition of deposit of arrears of rent. It is argued that therefore, petitioner deserves parity with the said persons since the vicinity of the demised property involved alongwith the issue of ownership of respondents and non-payment of rent, is similar to the case of the petitioner.

4. It is further submitted that Appellate Authority has failed to consider that the respondents have not been able to lead any documentary evidence showing ownership over the demised premises. Only document produced by the respondents to prove their ownership of the demised property is Jamabandi which, as per settled law, does not confer any title. Moreover, petitioner in his written statement to the Rent Petition has disputed the landlord-tenant relationship between the parties. In fact, petitioner has claimed that he is owner of this demise premises by way of adverse possession. Thus, there are issues which are alive, which are yet to be determined in the Rent Appeal pending before the Appellate Authority.

5. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order dated 24.05.2024 (Annexure P-1) passed



by the Ld. Appellate Authority, Ludhiana be set aside/modified. It is further prayed that in the meantime, execution proceedings be also stayed.

6. No other argument is raised on behalf of Id. counsel for the petitioner. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made by Id. counsel for the petitioner.

7. Brief facts of the case in chronological order are as follows: -

02.09.2020: Respondent/landlord had filed Ejectment Petition under Section 13 of the East Punjab Urban Restriction Act, 1949 seeking eviction of the petitioner from the demised shop on ground of arrears of rent. It was alleged in the Rent Petition that the petitioner “.....*has neither paid nor tendered the arrears of rent w.e.f. 01.12.2011 at the rate of Rs.750/- per month.*”

11.03.2024: The said Rent Petition was allowed by the Id. Rent Controller, Ludhiana vide judgment dated 11.03.2024 (Annexure P-2) as follows: -

“8. Accordingly, petition filed by the petitioner is allowed on the ground of non-payment of rent and respondent is granted two month time to vacate the demised premises, otherwise petitioner would be at liberty to proceed against him as per law. Memo of costs be prepared. File be consigned to record room after doing the needful.”

02.04.2024: Petitioner had then filed Rent Appeal (Annexure P-3) dated 02.04.2024 before the learned Appellate Authority.

02.04.2024: Alongwith the said Rent Appeal, petitioner had also filed application (Annexure P-4) seeking stay of execution of operation of the ejectment order dated 11.03.2024.



24.05.2024: Upon the said application of the petitioner, impugned order dated 24.05.2024 (Annexure P-1) came to be passed; whereby execution of warrants of possession issued by the Executing Court for the demised premises was stayed subject to the condition that petitioner will deposit arrears of rent before the concerned Rent Controller, Ludhiana.

8. Perusal of the judgment dated 11.03.2024 shows that relevant findings recorded by learned Rent Controller, are as under: -

“5.....On other side, Id. counsel for respondent has cross-examined the witness at length but not even a single documentary proof has been placed on record by the respondent that under what capacity they are residing in the suit property. Id. counsel for respondent has taken the plea that respondent is in the suit property since very beginning, they migrated from Bihar but such plea is not tenable in rent petition because till date respondent has not availed their remedy of relief qua adverse possession. On other side, respondent Sanjay Pandit himself stepped into witness box as RW-1 and tendered into evidence his duly sworn affidavit. Id. counsel for petitioner has cross-examined the respondent witness at length and during his cross-examination it has clearly comes out that respondent is not aware about the title of the suit property and simply claiming that the petitioner is not entitled to claim himself as landlord of the respondent. however, during the cross-examination the respondent clearly admitted that he is tenant under the disputed property and raised the construction over the same but he has not challenged his plea of adverse possession in the appropriate forum of law till date. The detailed cross-examination conducted upon respondent witness who is the son of respondent, nothing has come out which could convince this



court that petitioner has no right to get the property vacated from the tenant. Once the petitioner has duly proved on record that they are landlord and the respondent being tenant has failed to pay the rent for the requisite period, as such the petition stands allowed in favour of the petitioner.....”

(Emphasis added)

9. It is therefore, clear that the petitioner has himself admitted the landlord-tenant relationship between the parties. Contention of the petitioner that he is in adverse possession of the demised shop is in itself and admission of the ownership of the respondent over the demised shop. Moreover, it is not disputed by the petitioner that he is in arrears of rent since the year 2011 i.e. the petitioner has been occupying the demised premises for 15 years without payment of a single penny to the respondents. In the said facts, I find no ground is made out to interfere in the impugned order. Accordingly, the present Revision Petition stands **dismissed**. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the matter.

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

23.04.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No