

(124) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3541-2026

Date of Decision: 27.04.2026

SUKHWINDER SINGH AND ANOTHER

...Petitioners

Vs.

RAKSHPAL KAUR MUNDAI

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has filed the present petition under Article 227 of the Constitution of India seeking to set aside the order dated 16.04.2026 passed by the learned Rent Controller, Ludhiana, whereby the application filed by the petitioners seeking leave to defend the rent petition was dismissed.

2. Briefly stated, the respondent-petitioner instituted an eviction petition under Section 24(3) of the Punjab Rent Act, 1995, asserting herself to be a Non-Resident Indian (NRI) and co-owner of the demised premises, and seeking ejectment of the petitioners-tenants from the tenanted premises on the grounds available under the said provision. Upon service of notice of the eviction petition, the petitioners-tenants entered appearance and filed an application seeking leave to defend the proceedings, raising various objections to the maintainability of the eviction petition as well as disputing the entitlement and locus of the respondent to seek ejectment under the Act. The respondent-petitioner contested the said application by filing her reply and opposing the grant of leave to defend. Upon consideration of the pleadings and material placed on record, the learned Rent Controller, vide the impugned

order, dismissed the application for leave to defend and consequently declined to grant the petitioners an opportunity to contest the eviction petition on merits. Aggrieved by the said order, the petitioners have preferred the present revision petition under Article 227 of the Constitution of India.

3. Learned counsel for the petitioners-tenants contended that the learned Rent Controller has dismissed the application seeking leave to defend the eviction petition merely on assumptions and surmises, without properly appreciating the settled legal principles governing such applications. It was argued that, at the stage of considering an application for leave to defend, the Rent Controller is required only to examine whether the tenant has raised triable issues which warrant adjudication, and is not expected to return findings on disputed questions of fact or law on merits. It was further submitted that the learned Rent Controller failed to consider that there exists no relationship of landlord and tenant between the parties. According to the petitioners, the rent agreement in respect of the demised premises was executed with one Tarlochan Singh, a co-owner, and not with the present respondent. As such, the respondent-petitioner cannot be said to have stepped into the shoes of a landlord so as to exercise any rights against the petitioners under the Rent Act. In the absence of privity of contract or established landlord-tenant relationship, the very maintainability of the eviction petition is seriously in question. It was also contended that the learned Rent Controller overlooked the fact that a civil suit is already pending between the petitioners and Tarlochan Singh, wherein an interim order of injunction has been passed by the Civil Court protecting the possession of the petitioners over the suit property. This, according to the petitioners, further strengthens the existence of

triable issues which ought to have been examined in detail by granting leave to defend.

4. I have heard counsel for the petitioners and has gone through the record carefully.

5. In the application seeking leave to defend, the petitioners have primarily denied the existence of a landlord-tenant relationship between the parties on the ground that the demised property was not taken on rent from the respondent-petitioner. It was further pleaded that a civil suit is pending between the petitioners and Tarlochan Singh Mundae, in which an interim injunction has been granted in favour of the petitioners, protecting their possession. The petitioners have also alleged that the grounds of eviction set out in the petition are false and misconceived. Significantly, the petitioners have not disputed the status of the respondent-petitioner as an NRI. The only substantial defence raised is with regard to the denial of the jural relationship of landlord and tenant between the parties. The learned Rent Controller, while considering the application, has observed that a co-owner is competent in law to maintain an eviction petition under Section 24 of the Punjab Rent Act, 1995. In this context, Section 24(3) of the Punjab Rent Act, 1995 was taken into consideration, which is reproduced as under:

“24. xx xx xx

(3) Where an owner is a non-resident Indian and returns to India for permanent residence, he or she may apply to the Rent Authority for recovery of immediate possession of residential or/and non-residential premises let out by him or her on or prior to the commencement of this Act, which are required for his or her use, or for the use of any one ordinarily living with and dependent on him or her.”

6. The learned Rent Controller has further observed that the respondent-petitioner has placed on record a sale deed dated 04.06.1997 executed in favour of Chanan Singh S/o Harnam Singh, who is stated to be the father-in-law of the petitioner, in respect of the suit property. Additionally, reliance has been placed on Form TS-1 issued by the Municipal Corporation, Ludhiana, wherein Surjit Singh, husband of the respondent-petitioner, is shown as one of the co-owners of the demised premises along with other co-sharers. It has further been noticed that the respondent-petitioner has also produced the death certificate of Surjit Singh, her husband, who expired on 10.08.2015. In support of her claim of ownership rights, she has additionally placed on record a copy of the Will executed by her late husband in her favour, whereby rights in respect of the demised premises were bequeathed to her. On appreciation of the aforesaid documents, the learned Rent Controller has recorded a finding that the respondent-petitioner has successfully established, at least prima facie, her status as a co-owner of the suit property, thereby entitling her to maintain the eviction petition under the relevant provisions of the Punjab Rent Act, 1995.

7. It has also been observed by the learned Rent Controller that even the petitioners-respondents have not specifically denied the ownership of the respondent-petitioner. On the contrary, a copy of the rent deed dated 22.01.2024 executed between the petitioners and Tarlochan Singh, a co-owner of the premises, has been placed on record, which itself indicates the admitted tenancy status of the petitioners in respect of the demised premises. The learned Rent Controller further placed reliance upon the settled legal position that a co-owner is competent to maintain eviction proceedings. In this regard,

reliance was placed upon the judgment of this Court in *Karnail Singh vs. Surinder Singh*, 2006 (1) RCR (Rent) 214, wherein it was held that an NRI landlord, being a co-owner of the premises, is entitled to seek ejectment of a tenant without requiring any express authority or consent from the other co-owners. Similarly, reliance was also placed upon the judgment in *Ravinder Pal Mohinder vs. Gurbachan Singh and others*, 2006 (2) RCR (Rent) 211, wherein it was held that an NRI landlord, who is a co-owner of the tenanted premises, is competent to maintain proceedings for ejectment under Section 13-B of the East Punjab Urban Rent Restriction Act. In view of the aforesaid legal position, the learned Rent Controller concluded that the respondent-petitioner, being a co-owner and NRI, is entitled to maintain the eviction petition, and accordingly proceeded to dismiss the application for leave to defend.

8. Learned counsel for the petitioner-tenant contended that it is a well-settled principle of law that where the tenant specifically disputes the existence of a landlord-tenant relationship between the parties, such a plea raises a *bona fide* and material triable issue. It was submitted that once the jural relationship itself is denied, the matter cannot be decided summarily at the stage of leave to defend, and the tenant must be afforded an opportunity to contest the eviction petition on merits.

9. In the present case, the factual matrix is clearly distinguishable. The petitioner-tenant has not denied the existence of the landlord-tenant relationship in its entirety. Rather, the stand taken is that the tenancy was created in favour of the petitioners through Tarlochan Singh, a co-owner of the demised premises, and not through the present respondent-petitioner. It is well

settled that where a co-owner lets out a joint property, the tenancy is deemed to have been created on behalf of all the co-owners, and the jural relationship of landlord and tenant exists with each of them. In such circumstances, it cannot be contended that the tenant is in occupation under only one co-owner, unless it is specifically pleaded and proved that there was a partition among the co-owners, and that the co-owner who inducted the tenant had become the exclusive owner of the property pursuant thereto. In the absence of any such plea or material indicating partition or severance of joint ownership, the tenancy continues to enure in favour of all co-owners jointly. Therefore, the reliance placed by learned counsel for the petitioner on the alleged denial of landlord-tenant relationship is misplaced and does not advance the petitioner's case. Consequently, the authorities relied upon by learned counsel are distinguishable on facts and are not applicable to the present case.

10. Having considered the entire material on record and the submissions advanced by learned counsel for the petitioners, this Court finds no illegality, perversity, or infirmity in the impugned order warranting interference in the exercise of jurisdiction under Article 227 of the Constitution of India. The impugned order does not suffer from any jurisdictional error and is based on a proper appreciation of the pleadings and settled principles of law. Accordingly, the present petition is devoid of merit and is hereby dismissed.

(VIRINDER AGGARWAL)
JUDGE

27.04.2026

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