



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

CR-6949-2024 (O&M)
Date of decision: 20.02.2026

Joginder Kaur

...Petitioner

V/s

Balwinder Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Munish Jolly, Advocate, for the petitioner.

Mr. Ashok Singla, Advocate and
Mr. Ankush Singla, Advocate, for the respondent.

VIKRAM AGGARWAL, J (ORAL)

The instant petition, preferred under Article 227 of the Constitution of India, assails the order dated 08.09.2023 (Annexure P-1) passed by the Court of Rent Controller, Dhuri, vide which proceedings in an eviction petition, instituted by the petitioner (Joginder Kaur) under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the Rent Act") for eviction of respondent (Balwinder Singh) from a residential house-cum-shop (fully described in the plaint) situated at Sangrur Road, Dhuri, were stayed on the ground that a civil suit as regards the title of the suit property was pending between the parties, wherein the sale deeds as regards the suit property alleged to have been executed by the respondent in favour of the petitioner were under challenge.

2. The petition under Section 13 of the Rent Act (Annexure P-2) was instituted by the petitioner seeking eviction of the respondent from the suit property on the ground of non-payment of rent.

3. An application was moved by the respondent for staying the proceedings in the rent case as a dispute of title was pending before the Civil

Court. It was averred in the application that sale deed dated 22.03.2016,

which the petitioner alleges, was executed by the respondent in his favour, was under challenge in a civil suit and on the same day, the suit property was stated to have been taken on rent of Rs.25,000/- per month and a rent note dated 22.03.2016 was stated to have been executed. It was averred that the dispute regarding title was pending in the Civil Court and, therefore, under the circumstances, proceedings in the eviction petition were required to be stayed.

4. The application was opposed by way of a reply (Annexure P-11), wherein all averments were denied.

5. However, by way of the impugned order, the said application was allowed and proceedings were stayed.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioner submits that on account of a title dispute, proceedings in the eviction petition could not have been stayed. He further submits that even otherwise, the suit instituted by the respondent stands dismissed by way of judgment and decree dated 27.10.2025 passed by the Court of Civil Judge (Jr. Divn.), Dhuri.

8. Per contra, learned counsel for the respondent submits that there is no illegality in the impugned order. However, he concedes that the suit stands dismissed but states that an appeal has been instituted.

9. I have considered the submissions made by learned counsel for the parties.

10. It is a settled position of law that the question of title is not to be decided in an eviction petition. It is also well settled that a person may be a landlord of a demised premises despite not being its owner. Further, proceedings in a suit can be stayed only if a decision in another case would operate as *res judicata* in the said matter. Still further, the suit stands dismissed. In the considered opinion of this Court, the order passed by the Rent Controller vide which proceedings were stayed, is unsustainable.

11. Accordingly, the revision petition is allowed. The order dated 08.09.2023 (Annexure P-1) passed by the Rent Controller, Dhuri is set aside. Consequently, the application for stay of proceedings in the eviction petition is dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

February 20, 2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No