



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CR-3266-2025

Date of Decision: 27.05.2025

BABY DEVI AND ANOTHER

.....PETITIONERS

Vs.

SATYA DEVI

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Monika Thakur, Advocate
for the petitioners.

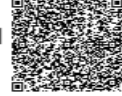
DEEPAK GUPTA, J.

Petitioners are aggrieved by the order dated 04.04.2025 (*Annexure P-5*) passed by learned Appellate Authority, Ludhiana, whereby the dispossession of the tenants/appellants (*petitioners herein*) has been stayed, but subject to payment of arrears of rent as assessed by the Rent Controller.

2. Petition under Section 20 of the Punjab Rent Act, 1995 was filed by the landlord-Satya Devi (*respondent herein*) seeking eviction of tenants Baby Devi and Jatinder Shah (*petitioners herein*) from the demised premises on the ground of non-payment of arrears of rent and *bona fide* need of the landlord. Tenants i.e. petitioners herein denied the relationship of landlord and tenant between the parties and claimed that they in fact were inducted by one Lachhman Singh in the premises as tenants.

3. Necessary issues were framed. Evidence produced by the parties was taken on record.

4. Learned Rent Controller came to the conclusion that there was relationship of landlord and tenant between the parties. Since, the relationship of landlord and tenant between the parties was established and the rent had not been paid, so the tenants were held liable to be vacated in view of the legal position explained in '*Rakesh Wadhawan and Others Vs.*



M/s Jagdamba Industrial Corporation & Others', 2002(1) RCR (Rent) 514.

Landlord was also held entitled for eviction of the tenants on the ground of *bona fide* need. The Rent Controller specifically found that total amount of ₹8,47,125/- were due towards the tenants, which had not been paid.

5. The tenants-petitioners filed appeal against the aforesaid order along with an application to stay the operation of the order of the Rent Controller.

6. The Appellate Authority by way of the impugned order dated 04.04.2025 (Annexure P-5), stayed the dispossession of the appellants/tenants i.e. petitioners herein, but subject to payment of arrears of rent as assessed by the Rent Controller.

7. Assailing the aforesaid order, it is contended by learned counsel that appeal is still pending; that petitioners being poor person are not in position to make payment and, therefore, the dispossession should have been stayed without putting any condition of making payment of the arrears.

8. This Court does not find any merit in the contention. Once the relationship of landlord and tenant between the parties was established, the petitioners-tenants rendered themselves liable for eviction, due to non-payment of arrears. The Appellate Authority has stayed the dispossession of the tenants/appellants and can not be stated to have committed any error in making this order subject to depositing the arrears of rent. Petitioners cannot be allowed to enjoy the possession over the demised premises without making payment of arrears, simply on the ground that the appeal is pending. No merit. Dismissed.

27.05.2025
Pry

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned? Yes
Whether reportable? No