



CR-254-2017 (O&M)

DATE OF DECISION : 21.08.2025

SURENDER SINGH

... PETITIONER

V/S

SHAHID

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Shashi Kumar Yadav, Advocate for the petitioner.

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PARMOD GOYAL, J. (ORAL)

Present revision has been preferred by unsuccessful petitioner who is aggrieved by the impugned orders dated 04.07.2014 and order dated 18.07.2016 passed by Rent Controller-cum-Civil Judge, Junior Division, Faridabad and Appellate Authority, Faridabad whereby prayer of petitioner for eviction of respondent – Shahid from house built on Khewat No. 426, Kila Khasra No.94/3, Khewat No. 414, Kila Khasra no. 92/24, 92/15, 94/8, Khewat No. 420, Kila Khasra No. 94/9, khewat No. 94/2 measuring 90 sq. Yards was not accepted.

2. It is the case of petitioner that the said plot is situated at Adarsh Nagar, Daya Colony near Lal Kothi, Ballabgarh consisting of 3 rooms, varanda, Kitchen, toilet, bathroom, gallery and possession of said house has been given to tenant – respondent at a monthly rent of Rs. 3,000/-. That house is required by petitioner for his own bonafide needs.

3. On the other hand, respondent – Shahid has denied relationship of landlord and tenant and claimed that neither the property in his possession

is owned by petitioner nor he is a tenant in the property.

4. In order to prove his ownership over suit property, petitioner has placed reliance upon Ex.P3 Jamabandi for the year 2006 – 2007 wherein he Surender Singh s/o Zile Singh has been shown to be owner of land measuring 6 Kanals 6 marlas having share of 125/131 share in land comprised in khewat no. 440/407 khatauni no. 521 khasra no. 94/2.

5. Perusal of Ex.P3 Jamabandi goes to show that number of sale deeds have been made regarding suit land. Learned lower Court has concluded that petitioner has failed to prove his ownership over premises measuring 90 sq. Yards mentioned to be part of khasra numbers claimed by plaintiff.

6. On the other hand, defendant has claimed ownership and has relied upon sale deed Ex.D-15 on the basis of jamabandi Ex.D-1. As per Ex.D-15, the land which is claimed to be under possession of defendant is Khasra no. 69//8 measuring 9 kanal 6 marla. It is the case of petitioner that the sale deed shown by the defendant is of different property which is not claimed by the petitioner.

7. I find merit in contention of petitioner that the sale deed of defendant pertains to property which is not being claimed by the petitioner. There is no material to conclude that defendant is owner of plot being claimed by petitioner as khasra no. given in D-15 and one being claimed by petitioner are different. However, despite this finding, no fault with the findings of learned Courts below can be found as petitioner himself has failed to prove his ownership over suit land which is claimed to be 90 sq. Yards. There is no evidence that the suit property which plaintiff is claiming to get it vacated from defendant is part of Ex.P3. Plaintiff is relying upon site plan Ex.P1 showing construction of 3 rooms. However, he has not led

any evidence to prove that this house of 90 sq. Yards which he is claiming to be owner and under tenancy of respondent is part of land covered by Ex.P3.

8. In these circumstances, learned Courts below have rightly held that plaintiff has failed to prove his ownership over the property shown vide site plan, Ex.P1. The finding of learned Court that plaintiff himself has admitted that he is not in need of house also could not be rebutted by learned counsel for the petitioner. Therefore, finding of learned trial Court that petitioner has failed to prove ownership and tenancy of property mentioned and shown in site plan - Ex.P1 cannot be faulted with.

9. Present petition is without merit and hence, the same is dismissed.

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

21.08.2025

Janki

(PARMOD GOYAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No