



CR-433-2025

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

(134)

CR-433-2025

Date of decision:- 23.01.2025

Tarsem Lal

... Petitioner

Versus

Nishant Narad and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.V.S.Chugh, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner is aggrieved with order dated 27.11.2024, Annexure P-7, passed by the Rent Controller, Chandigarh, whereby an application, Annexure P-5, filed by him for rejection of the ejection petition on the ground of want of jurisdiction, has been dismissed.
2. Counsel for the petitioner has contended that the petitioner had purchased the tenanted premises vide an agreement dated 07.11.2021, Annexure P-3, for a consideration of Rs.4,92,21,000/- and an amount of Rs.10,21,000/- was paid as earnest money. It is his assertion that some post dated cheques were also given to the respondents, security amount was to be adjusted towards sale price and the sale deed was to be executed on or before 30.09.2022. Claiming that he has become an owner of the premises, counsel states that an application dated 17.04.2023, Annexure P-5, was filed before the Rent Controller, Chandigarh for rejection of the eviction petition, which has been erroneously declined, after contest, vide order under challenge herein.

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3. I have heard counsel for the petitioner and considered his submissions.

4. Petitioner claims to have become the owner of the tenanted premises on the basis of an agreement to sell. It is the settled position in law that agreement to sell does not confer any title in the property. Even if an agreement to sell was entered into, sale deed has not been executed. A civil suit for specific performance is claimed to have been filed by the petitioner, which is pending. However, its pendency alone, cannot be taken to conclude that petition for eviction of the petitioner from the premises is not maintainable. Furthermore, the tenanted premises is situated in a commercial market in Chandigarh and the Rent Controller at Chandigarh has the territorial jurisdiction to try the eviction petition. This Court does not find any error in the impugned order, which does not call for any interference.

5. Finding no merit in the petition, it is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

23.01.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No