



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CR-5834-2025 (O&M)

Date of Decision:-13.10.2025

GOPAL KUMAR

... Petitioner

Versus

VIKAS

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Ms. Bhumika, Advocate and
Mr. Sunil Kumar Dhanda, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)***CM-17049-CII-2025***

1. The present application has been filed to condone the delay of 94 days in the filing the present petition. For the reasons stated in the application, the present application is allowed and the delay of 94 days in filing the petition is condoned.

Main case (O&M)

2. This revision petition has been filed assailing the order of the Appellate Authority dated 21.02.2025, vide which, the order passed by Rent Controller dated 04.09.2018 has been upheld, whereby the ejectment petition filed by the petitioner was dismissed.

3. Petitioner filed ejectment petition on the grounds that respondent is in arrears of rent from 01.09.2011 to 30.09.2014 @Rs.5,000/- per month. Respondent appeared and denied the relationship of landlord and tenant between the parties. Both the Courts have held that relationship of landlord and tenant



between the parties is not proved. The document produced by the petitioner for proving the relationship is affidavit i.e. Exhibit P-3 alleged to be sworn by the father of the respondent. Both the Courts have held that affidavit (Exhibit P/3) is not proved on record as per law, as neither the deponent has been examined as a witness nor the attesting authority. It is not proved on record that shop was let out by the petitioner to the respondent. Moreover, respondent has purchased the shop subsequently. The Learned counsel has failed to point out any illegality in the orders of rent controller as well as appellate authority, and could not show that the affidavit Exhibit P-3 is duly proved on record. Only LR of deceased-petitioner/Gopal appeared as a witness for the petitioner and both the authorities rightly concluded that affidavit has not been legally proved on record and the petitioner has failed to prove the relationship of landlord and tenant. When the relationship between the parties is not proved, there is no question of respondent being in arrears of rent, as such, findings recorded by both the authorities below do not suffer from any illegality or infirmity, and does not call for any interference in the revisional jurisdiction of this court.

4. In view of this, the present petition is dismissed, so also the pending applications, if any.

13th October, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No