

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****121****CR-2403-2025(O&M)****Date of decision: 29.05.2025****Hari Krishan****...Petitioner(s)****Vs.****Kalawati****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the landlord seeking setting aside of the impugned order dated 25.09.2018 passed by the Rent Controller, Chandigarh thereby dismissing the Eviction Petition filed by the petitioner under Section 13 of the East Punjab Rent Restriction Act. The appeal filed by the petitioner against the said order dated 25.09.2018 has been dismissed by the learned Appellate Authority vide impugned order dated 28.01.2025.

2. Learned counsel for the petitioner submits that the only ground on which the Rent Petition filed by the petitioner has been dismissed by both the Courts below is that it was held that petitioner is not the owner of the demised premises. Learned counsel contends that as per judgment of the Hon'ble Supreme Court in "**K.D. Dewan Vs. Harbhajan S. Parihar**" **Law Finder Doc ID # 3122**, the landlord need not be owner of the



demised premises. Learned counsel refers to Para 8 of the said judgment wherein it is held as follows:-

“8. A perusal of the provision, quoted above, shows that the following categories of persons fall within the meaning of landlord: (1) any person for the time being entitled to receive rent in respect of any building or rented land; (2) a trustee, guardian, receiver, executor or administrator for any other person; (3) a tenant who sublets any building or rented land in the manner authorised under the Act; and (4) every person from time to time deriving title under a landlord. Among these four categories of persons, brought within the meaning of landlord', Mr. Sharma sought to derive support from the last category. Even so that category refers to a person who derives his title under a landlord and not under an owner of a premises. For purposes of the said category the transferor of the title referred to therein must fall under any of the categories (1) to (3). To be a landlord within the meaning of clause (c) of Section 2 a person need not necessarily be the owner; in a vast majority of cases an owner will be a landlord but in many cases a person other than an owner may as well be a landlord. It may be that in a given case the landlord is also an owner but a landlord under the Act need not be the owner. It may be noted that for purposes of the Act the legislature has made a distinction between an owner of a premises and a landlord. The Act deals with the rights and obligations of a landlord only as defined therein. Ownership of a premises is immaterial for purposes of the Act.”



3. It is submitted that in the undisputed position that the petitioner is the landlord, ownership of the petitioner over the demised premises is rendered irrelevant.

4. It is further submitted that in dismissing the Rent Petition, learned Courts below have ignored evidence on record which proves that petitioner was landlord. From the evidence led by the petitioner, it has been categorically proved that since 1987, father of the petitioner from his income had constructed the house which is being referred to as the demised premises and is in the possession of the property. From the evidence, it was established that the present tenancy is subsisting since the time of father of the petitioner. Even the electricity bill of the demised premises was in the name of father of the petitioner. Learned Courts below also failed to appreciate that there is no claim of any other person being in the ownership of the demised property. Learned counsel also refers to Para 3 of the Rent Petition (Annexure P1) wherein the petitioner has categorically stated that the demised premises had been taken on rent by the husband of the respondent in January 2008 on monthly rent of Rs.3,000/- per month. It is submitted that this fact has not been specifically denied by the respondent in her written statement before the Rent Controller. Thus, the evidence of the petitioner has been un rebutted. Learned counsel accordingly prays that the impugned orders be set aside.



5. No other argument is made on behalf of the petitioner.
6. I have heard learned counsel for the petitioner and perused the case file in great detail.
7. Perusal of record of the case shows that the petitioner had filed *“Petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 as applicable to Union Territory, Chandigarh for eviction of respondent from the entire Ground Floor of First Floor of House No.167, Bapu Dham Colony, Phase III, Sector 26, Chandigarh.”* on dated 23.03.2017 before the learned Rent Controller, Chandigarh. Petitioner had sought eviction of the respondent from the demised premises on ground of arrears of rent and personal necessity. It was the case of the petitioner that the property had been allotted to one Ram Swaroop by the UT Administration in the year 1979, who had further given the said property to father of the petitioner namely Om Parkash in the year 1988. In this regard, learned counsel has referred to the Inquiry Report dated 18.05.2012 (Annexure P13) of the Inquiry Officer, Police Station, Vigilance Cell, UT Administration in respect of illegal connection of electricity in House No.163 & 167 and also illegal occupation in Houses No.158-E, 163 &167 in Bapu Dham Colony Phase-III Sector 26 Chandigarh. In the said report, it has been noticed that:-

“...A survey was also conducted by the Estate office in the year 1988 at that time one Om Parkash was residing in this house. After that nothing is mentioned regarding the clarification. On



19.07.2011, one Hari Krishna s/o Omparkash had submitted the draft for the rent of this house. Electricity connection of this house is also in the name of Sh. Om Parkash.”

8. Be that as it may, the said facts i.e. Occupying the demised premises since 1988 or having electricity bill of the demised premises in one's name, would not in any manner bestow ownership upon Om Parkash. In fact, record reveals that PW3 Jagwinder Singh, official witness from the Estate Office had categorically deposed that the demised premises were never allotted to Om Parkash and that Ram Swaroop is still the allottee-lessee. After extensive consideration of the evidence led by the parties, the learned Rent Controller had concluded that the demised premises is a leasehold property which was allotted to Ram Saroop; that the petitioner was not proved to be landlord let alone owner of the demised premises. In this regard, the learned Rent Controller has referred to the admission of the petitioner himself as recorded in para of the order dated 25.9.2018, wherein the petitioner had clearly admitted before the Rent Controller that he was *“unable to produce or show the allotment letter of the said house and he does not know who was residing in the Jhugi in lieu of which aforesaid tenement was allotted. Further stated that, he cannot produce any rent agreement which shows that he is a landlord of the respondent, nor he is having any document from which it could be transpired as he is landlord/owner of the tenement in question.”*. In fact, the petitioner has even been unable to produce any rent receipts let alone



a Rent Deed to establish his status as landlord what to say of owner. The petitioner also failed to prove that the site in question was ever allotted to his father by way of any Lease Deed by the Chandigarh Administration.

9. The petitioner can derive no benefit from the relied upon judgment in case of **K.D. Dewan (supra)** as in the present case, not only has the petitioner been unable to prove that he is owner of the demised premises, but as noticed above, the petitioner has also been unable to establish that he is landlord of the demised premises as no rent receipts or Rent Agreement have been produced by the petitioner. Therefore, no ground is made out to disturb the concurrent findings of the learned Courts below. Present Revision Petition accordingly stands **dismissed**.

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

29.05.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No