

Naresh Kumar Bansal Vs Dev Singh Gill and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 18, 2010

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.

Respondent No. 1/landlord filed the eviction petition against Respondent No. 2-Balwinder Singh. In the

above said petition, the eviction order dated 24.2.2009 (Annexure P1) was passed by the Rent Controller, Chandigarh. Aggrieved against the

eviction order (Annexure P1), Respondent No. 2 filed an appeal. The appeal was dismissed by the Appellate Authority, Chandigarh, vide its order

dated 4.6.2009 (Annexure P4). Thereafter, Respondent No. 2 has filed revision petition viz. Civil Revision No. 4005 of 2009 in this Court. He

was granted various opportunities to tender the rent, but he failed to do so. A Co-ordinate Bench of this Court, vide order dated 7.10.2009

(Annexure P5), had dismissed the above said revision petition. Thereafter, the warrants of possession was issued. At that stage, the Petitioner has

filed the objection petition dated 9.11.2009 (Annexure P6) in Execution Petition Civil Revision No. 7520 of 2010 No. 1996 of 2009, stating

therein that he was the real tenant and Respondent No. 2-Balwinder Singh was never inducted as the tenant in the premises in dispute. In support

of his contention, no document has been tendered. The Petitioner has not produced any electricity bill, rent note and counterfoil of the rent receipt.

Even the Petitioner could not produce the sale tax number on the basis of which he was carrying out his business in the demised premises. Only a

bald assertion has been made to defeat the fruits of litigation to Respondent No. 1/landlord. The objection petition has been rightly dismissed by

the Rent Controller, Chandigarh, vide order dated 22.9.2010 (Annexure P8), on the ground that neither any document has been attached with the

objection petition nor the same has been filed at the appropriate stage. Furthermore, the tenant has not taken any step to approach the Court,

which had passed the eviction order (Annexure P1) for recalling the same by filing an application that the same is not binding upon him.

2. Hence, the present revision petition, being frivolous, is hereby dismissed, in limine, with the costs of Rs. 10,000/-.