
(2020) 01 RAJ CK 0218
In the Rajasthan High Court
Case No : Civil Writ Petition No. 13506 Of 2019

Tanveer Kaur

APPELLANT

Vs

Rajeev Handa And Ors

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Rent Control Act, 2001 — Section 18
Constitution Of India, 1950 — Article 226, 227

Citation : (2020) 01 RAJ CK 0218

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Trilok Joshi

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner aggrieved against the orders passed by the Rent Tribunal dated 1.6.2018 and Appellate Rent Tribunal dated 20.11.2018, whereby, the petition filed by the petitioner under Section 18 of the Rent Control Act, 2001, has been rejected and appeal arising therefrom, has also been rejected.

The petitioner filed the petition seeking a direction to the respondents not to dispossess him from the suit premisses without due process of law.

The application was contested by the respondents inter alia denying any landlord and tenant relationship.

The Rent Tribunal, after evidence was led by the parties, came to the conclusion that for lack of any documentary evidence, the relationship of landlord and tenant between the parties was not established and rejected the application.

Feeling aggrieved, the appeal was filed by the petitioner before the Appellate Rent Tribunal.

The Appellate Rent Tribunal after hearing the parties, reiterated the findings

recorded by the Rent Tribunal and dismissed the appeal.

Learned counsel for the petitioner with reference to order dated 20.12.2018 (Annex.P/8) passed by the Additional District Judge No.2, Sriganganagar, made submissions that as the respondents themselves have filed suit against the petitioner and have sought injunction, the possession of the petitioner is proved and, therefore, the both the Tribunals below committed error in rejecting the application filed by the petitioner.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

Both the Tribunals below have concurrently found that the fact that the petitioner was tenant in the suit premises, has not been established. The finding being the finding of the fact does not call for any interference by this Court under Article 226/227 of the Constitution of India.

So far as the reliance placed on the order dated 20.12.2018 (Annex.P/8) is concerned, the said order has been passed in a suit filed by the respondents for possession with the allegation that the petitioner is not a tenant and was seeking to transfer the property based on possession, on which, order of injunction has been granted by the trial court.

The said suit further reinforces the case of the respondents that the petitioner is not a tenant and, therefore, the reliance placed in this regard by the petitioner on order dated 20.12.2018 is wholly misplaced.

Consequently, there is no substance in the writ petition. The same is, therefore, dismissed.