

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

Civil Revision No.1274 of 2015 (O&M)

Date of decision: **20**.03.2015

Kumar Paul Jain

... Petitioner

versus

Sudarshan Kumar Jain and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J.

1. The tenant, who was ordered to be evicted, is before this court, contending that the landlord has not disclosed the existence of other vacant building in his possession. The counsel would contend that the municipal records filed in court would show that there are 5 shops which are in the possession of the landlord, out of which, only 3 shops have been rented and 2 shops are still vacant. The counsel would make reference to decisions of this court and of the Supreme Court that hold that failure to plead the existence of other shops in his possession or his failure to declare that he has not vacated any other building in his possession without justifiable cause will be fatal to the petition.

2. I find the contentions taken are not correct at all and there has been a full-fledged consideration of the existence of the shops and the persons, who are actually occupying the same in the orders of the court below. The court below has recorded the fact that out of the 5 shops, 4 are in possession of the tenants, namely, Roshan Di Hatti, Gautam Traders, Nahar Trading Company and again Gautam Traders and one was in self-occupation of Sudarshan Kumar. Where there is a second entry mentioned that there are two shops having dimensions of 9'3"x12' in the possession of Nahar Trading Company, the court has observed that this must be taken as the second shop in the possession of Nahar Trading Company. In effect, the courts below have accounted for all the 5 shops, namely, one shop in the occupation of Roshan Di Hatti, 2 shops in the occupation of Gautam Traders and 2 shops in the occupation of Nahar Trading Company. There is no other shop which is in the self-occupation of Sudarshan Kumar. The shops themselves seem to be part of a residential house and the vacant portions are used for residential purpose by the landlord in the same building. There is no merit in the contentions taken by the petitioner and there is no scope for intervention.

3. The civil revision is dismissed. Time for eviction 4 months, provided to the petitioner to give an undertaking before this court that he will vacate the premises in 4 months' time and will also

continue to pay rent during all the period within first 10 days of every calendar month. The undertaking shall be given within a week with the Registry.

(K.KANNAN)
JUDGE

20.03.2015

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