

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1940 of 2015 (O&M)

Date of Decision.19.03.2015

Parveen Kumar (since deceased) through his LRsPetitioner

Versus

Usha Rani and othersRespondents

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

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The tenant who faces an order of eviction from two Courts below is the petitioner before this Court.

2. The landlord has succeeded on the ground of personal necessity pleaded by her that she requires the premises for setting up a chemist shop. The contention of the tenant was that she is a resident at Ambala and the property being situate at Jagadhari which is more than 45 kms cannot be put to effective use by her. According to the tenant, she has already got a licence to establish a chemist shop in the year 1995 itself and she has allowed that licence to be used by yet another person in hospital. She only periodically visits at the shop where she has lent her licence for use by some other person. It is also contended that there is another shop which is vacant and it is adjacent to the demised premise and the petitioner is guilty of suppression of the said fact.

3. Considering the contention that she was using the licence to establish the chemist shop to be utilized by some one else, I asked the counsel whether a person who has a licence to carry on a chemist shop cannot set up a shop in some other place. The counsel will not have such an argument to make but however, he would contend that it is too difficult to manage the shops at different places one in the place where she is living at Ambala and another place at Jagadhari.

4. Business that means more financial recourses never comes as a booty and drops from the blue. It requires effort. It requires travel. It requires industry. If a woman is prepared to undertake such an arduous task of going from Ambala to Jagadhari to run a business in the premise which she owns then it is but a commendable expression of desire to have her business in her own premises.

5. Even an argument that the landlord owns a vacant premise adjacent does not appear to be correct, for, the matter has been raised before the Courts below and considered by the Courts. The landlord has taken a plea that it is in the hands of one Vanita where a courier business is being run and three shops, apart from the demised premise, are in the hands of other tenants. An issue which has been considered by the two Courts below on a point of fact will not be opened by this Court again. I find no reason for intervention.

6. The counsel says that the tenant has lost his father nearly four months back and he is in a trauma and only 22 years of age. He has to look after her widowed mother and his siblings. He is running a mobile shop and would seek for time for vacating the premises.

Considering the fact that his father was running the business since 1980

at the same premise and considering the fact that the petitioner is a young person who would require to shift the business at some other place, I grant to him six months time for eviction. The petitioner will file an undertaking affidavit in the registry of this Court that he will surrender the property within a period of six months and that letter of undertaking shall be filed within one week. The petitioner will also continue to pay the rent, which is the contracted rent, within 10 days of every calendar month. If there is a lapse on the part of the petitioner to furnish the undertaking or in payment of rent in the manner directed by this Court, the time granted for vacation will be withdrawn and order of eviction shall be susceptible to be executed in accordance with law immediately.

7. The revision petition is dismissed with the above observations.

(K. KANNAN)
JUDGE

March 19, 2015
Pankaj*