

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

C.R. No.2016 of 2015

Date of Decision.25.03.2015

Kanta

.....Petitioner

Versus

Harcharan Kaur and another

.....Respondents

Present: Mr. Ram Pal Verma, 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 revision petition is against the concurrent orders of eviction passed against the tenant on the ground of personal necessity of the landlord. The landlord had claimed eviction on five grounds out of which only the requirement for personal necessity was found in favour of the landlord for eviction. The 2nd petitioner before the Rent Controller was claimed to be diploma holder in fashion designing and she has stated that the premises was necessary for setting up a boutique. She has stated that her husband was living in UK and she was living only with her parents at Ludhiana where the property was situate.

2. In the cross-examination, the attempt was made by the tenant to contend that the diploma on which she relied on was not genuine. It was false and fabricated. She was living in a village where her parents in law were residing and that place is about 50 kms away from Ludhiana and it would not be possible for her to run the business.

The Court rejected both the contentions. The Courts below rejected the contentions and held that even if the diploma certificate was found to be not true, nothing could prevent a person from running a boutique and one does not require any diploma for running a boutique. Rejecting the contention that she was living at her parents-in-law's place 50 kms away, the Court accepted the evidence of the 2nd petitioner that she was living at Ludhiana and the tenant cannot dictate to the landlord that she cannot run a business for which she claims that the premises was necessary for per personal occupation.

3. Learned counsel appearing on behalf of the petitioner makes a faint argument that the landlord owns several properties and they are taking action for eviction only against this tenant who has been occupying this premise from the year 1994. There is no ground made anywhere that the landlord has not any property in her possession which is vacant or she has vacated any premises without justifiable cause only to find an action for eviction. All the objections raised by the tenant had been properly considered by the Courts below and I find no error in the orders passed by the Courts below for intervention in revision.

4. Considering the fact that the petitioner claims to be in possession for last 20 years, the time for eviction granted is three months. The civil revision is dismissed but with above observation.

(K. KANNAN)
JUDGE

March 25, 2015
Pankaj*