

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

C.R. No.2491 of 2015

Date of Decision.09.04.2015

Kavita Sharma and others

.....Petitioners

Versus

Roshni and another

.....Respondents

Present: Mr. V.K. Jindal, Senior Advocate with
Mr. Garima Jindal, Advocate
for the petitioners.

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?

-. -

K. KANNAN J. (ORAL)

1. The petition for eviction brought at the instance of the mother and child in relation to a demise property which was bequeathed by the original landlord in favour of the child by the grand mother is sought on the ground of personal necessity for occupation of the mother. The contention is that the grand daughter of the original landlord to whom the property was bequeathed alone could be treated as the landlord and it is nowhere stated that the property is required by the grand daughter for the benefit of her mother as a member of the family or she needs the property for herself. I will find that there is a needless attempt to split hairs on a point which is so clear that if the petition is filed by both mother and the daughter jointly and if the property were to be construed as owned by grand daughter of the original land owner, then the requirement of the property for her

mother ought to be taken as person who is normally living with her and who is also the guardian as a person belonging to the family and hence, the petition must be sustained. If on the other hand the minority of the grand child itself is a fetter to exercise her right by a landlord and the mother must be taken as the landlord then her own requirement as pleaded must be taken as satisfying the requirement of law. In either way, there can be no objection by tenant that the requirement pleaded on behalf of the mother who is the co-petitioner would fail for any technical reason. There is no other point urged before me. I sustain the order of eviction and would make no interference.

2. The property is non-residential building and he seeks for time for eviction. Time for eviction six months. The petitioner will give an undertaking before this Court in a week that he will vacate the premises on or before 30.09.2015. The undertaking shall be given within one week from the date of receipt of copy of this order. The petitioner will also continue to pay the rent which is contracted till he vacates the premises. If the undertaking is not given or if there is a default in payment of rent as directed, the time granted shall be taken as withdrawn and the landlord will be at liberty to put the order of eviction to execution and secure possession in accordance with law.

3. The civil revision is dismissed but with the above observations.

(K. KANNAN)
JUDGE

April 09, 2015
Pankaj*