

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

109

**Civil Revision No.2976 of 2015(O & M)
Date of Decision:24.08.2015**

Bhupinder Singh

....petitioner

Versus

Dharam Paul

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.Dilpreet Singh Gandhi, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Vide order dated 03.04.2013, eviction of the petitioner-tenant was ordered by the Rent Controller, Amritsar. Appeal preferred against the said order failed and was dismissed vide judgment dated 11.02.2015. This is how, the petitioner is before this Court.

In an eviction petition preferred by the respondent-landlord ejectment of the petitioner-tenant was sought from the premises in question i.e. a shop situated in gali No.3, Kot Mit Singh, Tarn Taran Road, Amritsar, that forms part of building No.209. It was maintained that the respondent was idle and had no source of income other than the rental income as his two young sons namely Rakesh Kumar and Parvesh Kumar, had unfortunately died. His daughter namely Neeru was married at Haridwar. Post death of both his sons, he became financially wreck and, thus, intended to do

business of karyana goods in the demised premises, as the shop in question was most suited for the said business.

In defence, it was pleaded, inter alia, that the need of the respondent-landlord lacked bona fides and was, thus, a farce. Though, both his sons had died but that had no relevance. Respondent had sufficient rental income from the demised premises as also from the other shops in the same building, therefore, he actually did not require the premises. In fact, there were three other shops adjacent to the demised premises in the same very building and one of those was in occupation of another tenant and two were lying vacant.

On a consideration of the matter in issue and the evidence on record, learned Rent Controller arrived at a conclusion that the relationship of landlord and tenant between the parties was not disputed. Respondent-Dharam Paul appeared in support of his case as AW2 and proved his claim. Plea of the petitioner that the respondent possessed two other shops was found to be devoid of merit, as it was proved that the demised premises was best suited for running a karyana shop, for it was located on the main road and was bigger than the other two shops. And as the back portion of the demised premises adjoins the house of the respondent, he intended to run a general provision store in the shop in question and use the portion behind the said shop for storage purposes. Accordingly, the eviction petition was accepted.

Being aggrieved against the said order, petitioner preferred an appeal. Learned Appellate Authority reviewed the matter in issue,

evidence on record and on a analysis thereof, found itself in concurrence with the view drawn by the Rent Controller. Consequently, the appeal was dismissed.

I have heard learned counsel for the petitioner and perused the paper book.

Learned counsel for the petitioner simply seeks to reiterate the submissions that were advanced before the Courts below and rejected after a due and comprehensive consideration. No other argument was advanced.

On a due and thoughtful consideration of the matter in issue, I am of the considered view that the revision petition is devoid of merit and is, thus, liable to be dismissed for the reasons that are being recorded hereinafter.

Concededly, the respondent had lost his two young sons and, thus, had no source of income for his survival but a meager rental income. The findings that have concurrently been recorded by the Courts below, reveal that the demised premises was most suited to run a general provision store as it was located on the main road and was bigger in size than the other two shops that were in occupation of the respondent. So much so, petitioner-tenant admitted in his cross examination that the back portion of the demised premises abuts the house of the respondent. That rather proves the case of the landlord that he would transact business in the shop in question and would use the portion of his property that abuts the demised premises for storage purposes . Needless to assert, none except the respondent himself knows as to what would suit the most

to his personal need and business requirement. That being so, even if one of the two shops was still lying vacant and the other was sold about 5/6 months prior to the filing of the eviction petition, would not advance the case of the petitioner as the requirement/need of the respondent-landlord could be only seen from his stand point.

Learned counsel for the petitioner could not point out as to how the conclusions that have concurrently been arrived at by the Courts below were either contrary to the position on record or suffered from any material irregularity.

That being so, no interference is warranted in exercise of revisional jurisdiction under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949. The petition being devoid of merit is accordingly dismissed.

24.08.2015

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(ARUN PALLI)
JUDGE