

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

C.R. No.3629 of 2014 (O&M)

Date of Decision.17.03.2015

Smt. Gaffooran

.....Petitioner

Versus

Prem Singh

.....Respondent

Present: Mr. Suvir Kumar, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for the caveator.

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 petition is against the concurrent orders of eviction brought against the tenant acceding to the request of the landlord for personal occupation of the landlord's son for his business. The two contentions taken were that the landlord had purchased two properties in 2001 along with yet another building adjacent to it and only in January 2007 the landlord has sold the other shop and claims eviction only in respect of this shop. According to the petitioner, this aspect of sale was not disclosed but that has been admitted in the cross-examination of the landlord's witness. I cannot find any justification in the contention raised when the law does not dictate that any transaction of sale prior to the filing of the petition must be disclosed. I therefore, reject the plea that there has been any concealment and

there is violation of any requirement of law as regards the possession of another property.

2. The other contention is that the landlord has been having two businesses; one, dealing in surgical equipments and another in real estate business. The surgical business is being run in Pratap Singh Wala and there can be no sudden requirement for the same business in the year 2007. I cannot accommodate this argument as worthy of acceptance, for, it is another way of saying that a landlord ought not to have any new requirement at all after the property is let on rent. If in the year 1991, the petitioner was running was a business in Pratap Singh Wala but later would require it for his son nearly 15 years later, there is hardly a room for suspicion that the requirement cannot be bona fide. I do not think there is anything materially wrong about the decisions of the Courts below for intervention in revision.

3. The petitioner states that he should be granted some time for eviction if the Court was not accepting the petitioner's case. Considering the fact that the petitioner has been doing his business from 15 years, four months time is granted to the petitioner for eviction provided that the petitioner gives an undertaking affidavit within a week and files it in the registry that he will vacate the premises on or before 01.07.2015. During all the time, the petitioner shall also pay rent regularly without any default within 10 days of every calendar month. If there is any failure on his part to pay the rent or if there is any failure to submit the undertaking affidavit as directed by this Court, the order of eviction already passed will operate *eo instante* and liable for ejectment in accordance with law.

4. The revision petition is dismissed with above observations.

(K. KANNAN)
JUDGE

March 17, 2015
Pankaj*