

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

C.R. No.4826 of 2015

Date of Decision.03.08.2015

Pushpa Wati

.....Petitioner

Versus

Balwinder Singh Chawla

.....Respondent

Present: Mr. H.S. Bhuller, 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 by the tenant seeking for a revision against an order of ejectment passed by the Rent Controller and affirmed by the Appellate Court. The grounds of eviction were non-payment of rent and for bona fide necessity of the landlord. The tenant took the plea that there was no relationship of landlord and tenant and that it was only his father who let out the property and he had been paying rent to him. However, he did not press for such a contention in defence and was content with making the deposit in Court and the ground of eviction on the ground of non-payment did not, therefore, avail to the landlord any longer.

2. The case of the landlord was that he was doing work in Orissa and the statement was that he had shifted to Mohali and he had no other property than the demised premise. The Court found making a reference to case law that there must be a presumption taken in favour

of the landlord when he says that the property is necessary for his own need and the statutory requirements are fulfilled and if there is no other ground brought by tenant to suspect his bona fides, eviction must follow. The Court found that the landlord stood his cross-examination and there was nothing elicited in the cross-examination to say that the requirement was not bona fide. The Rent Controller ordered eviction and the Appellate Court affirmed the same.

3. In the revision petition, the learned counsel argues with vehemence and repeated ad nauseum that the landlord who had been working in Orissa had not stated in the eviction petition and he had resigned the job and had come away to Mohali. I asked the counsel whether there is any cross-examination that he is continuing to reside only in Orissa particularly in view of the fact that there was evidence that he had “shifted to Mohali”. The counsel says that there was no need to ask such question and it ought to have been spoken by the landlord himself. I do not want to comment on the understanding of the petitioner about how cross-examination is to be conducted or what is the method of eliciting truth. If there is not even a suggestion in the cross-examination that he was still working only in Orissa, then I would only reject the argument which is placed before me being wholly without merit.

4. The orders passed by the Court below are confirmed and the revision petition is dismissed.

(K. KANNAN)
JUDGE

August 03, 2015
Pankaj*