

CR No.6181 of 2013 (O&M)

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

**CR No.6181 of 2013 (O&M)
Date of decision:09.02.2015**

Surinder Mahajan and others

...Petitioners

Versus

Mrs. Ajit Sanghera

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Gaurav Rana, Advocate,
for the petitioners.

Mr. R.S.Guraon, Advocate,
for the respondent.

Rakesh Kumar Jain, J.

The tenants are in revision against the order of eviction passed against them under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (here-in-after referred to as the “Act”) in respect of the demised premises i.e. half portion (measuring 12' x 80') of Plot No.448-A, Industrial Area, Phase-II, Chandigarh.

The respondent-landlady filed the petition for seeking eviction of the petitioners on the ground of misuse of the demised premises. It is alleged that she had received a notice dated 25.01.2006 from the concerned authorities about misuse of the demised premises which was brought to the notice of the petitioners and they assured that they would stop the misuse but despite request, misuser was not stopped which occasioned the threat of

resumption of the entire premises.

Both the Courts below allowed the eviction petition on the ground that there was a misuser of the demised premises which was an industrial shed in which the petitioners were doing commercial activities.

However, learned counsel for the petitioners has argued that in the written agreement dated 16.12.2004 and 24.02.2006, they were allowed to use the demised premises for metal trade in accordance with the provisions of the Capital of Punjab (Development and Regulations) Act, 1952 (here-in-after referred to as the "Act") and the Rules framed thereunder and the other local bye-laws, as applicable to the building in question. It is submitted that since they were using the demised premises with the consent of the respondent-landlady, therefore, their eviction could not have been asked by the respondent-landlady on the ground of misuser.

On the other hand, learned counsel for the respondent has submitted that the demised premises was let out for metal trade in accordance with the provisions of the Act and the Rules framed thereunder and the other local bye-laws, as applicable to the building in question, which means that the petitioners could have indulged in the manufacturing activities and not the trading activities. It is also submitted that the respondent would not lose her property only on account of earning rent as it was resumed by the authorities and the respondent had to file a writ petition to challenge the resumption order. It is also submitted that the misuser of the demised premises has already been stopped and now it is lying vacant.

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After hearing learned counsel for the parties and considering the facts and circumstances of the case, I am of the considered opinion that there is no error in the order of the Courts below as the demised premises was let out by way of rent agreement in which it was clearly stipulated that the petitioners would be entitled to carry out the metal trade in accordance with the provisions of the Act and the Rules framed thereunder and the other local bye-laws, as applicable to the building in question, which means that the petitioners were to carry out the manufacturing activities in accordance with the provisions of the law and not the commercial activities which were prohibited and could have threatened the landlady even of her proprietary rights which ultimately resulted into resumption order by the concerned authorities for which the respondent had to file the writ petition in this Court.

In view of the aforesaid discussion, I do not find any merit in the present revision petition to interfere in the well considered order passed by both the Courts below.

Dismissed.

February 09, 2015
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(Rakesh Kumar Jain)
Judge