

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

CR No. 733 of 2005 (O&M)
Date of decision: 16.09.2015

Rachan Kaur

...Petitioner

Versus

Amrit Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

- 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?**

Present: Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. Hitesh Sammi, Advocate,
for the respondent.

ARUN PALLI, J.(ORAL)

Vide order dated 23.01.2004, rendered by the Rent Controller, Rajpura, eviction petition preferred by the petitioner-landlord was dismissed. As even the appeal against the said order failed and was dismissed by the Appellate Authority on 07.12.2004, petitioner-landlord is before this Court. Ejectment of the respondent was sought on multiple grounds such as non-payment of rent, impairment of value and utility of premises in question as also for the personal necessity. But the petitioner failed to make good his claim even qua one of the grounds on which the eviction of the respondent-tenant was prayed for. Learned counsel for the petitioner fairly submits that as regards the issue of non-payment of rent as also

impairment of value and utility of the premises in question, no exception can be drawn vis-a-vis the findings that have been recorded by both the Courts and, thus, all what he submits is that finding as regards, the personal bona fide need of the petitioner is wholly erroneous. He contends that the petitioner had appeared in support of her claim as PW-2 and proved that she required the demised premises for her two sons.

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

All what the petitioner had set out in her eviction petition to seek ejectment of respondent was/ is; **“That the shop is required by the petitioner by the use of family members. As such the petitioner is neither owner any other shop or have vacated any shop in that area.”** Apparently, the case set out by the petitioner was vague and uncertain as she did not specify that she indeed required the demised premises to settle her two sons. It was in her statement that she deposed that she actually required the shop in question for her sons. However, nothing was stated as regards the age of her sons, and as to what kind of business they intended to set up in the premises.

This was not the case of the petitioner either that both her sons were idle, unemployed or not engaged in any other avocation. So much so, none of the two sons was examined by the petitioner to corroborate her claim. Nothing was stated in the petition

either that the sons of the petitioner were not in occupation of any other accommodation in the same local urban area. In fact, the petitioner conceded in her cross-examination that both her sons were plying vehicles and would not return home, at times, for even 6 months. That being so, it was rightly concluded by the Appellate Authority that if the sons of the petitioner were already engaged in profitable venture, she could hardly plead personal necessity on their account. In short, the petitioner apparently failed to prove her case, thus, the inevitable conclusion one could arrive at, in the situation, was nothing but to dismiss the eviction petition.

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

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

16th September, 2015

vandana

**(ARUN PALLI)
JUDGE**