

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

112

Civil Revision No.7089 of 2014 (O&M)

Date of Decision: October 05, 2015

Paramjit Kaur and another

...Petitioners

Versus

Harjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashish Gupta, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petition for eviction under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the '1949 Act'), was preferred by respondent No.1-landlord on two grounds i.e. personal necessity and the premises having become unfit for human habitation. These pleas were accepted by the learned Rent Controller, Patiala, and the eviction of the petitioners-tenants was ordered on 05.10.2013. On an appeal preferred by the petitioners-tenants, findings with regard to the premises being unfit for human habitation, have been reversed by the Appellate Authority, Patiala, by order dated 01.09.2014, whereas the *bona fide* necessity of the respondent No.1-landlord has been reiterated and upheld, which has led to the filing of the present revision petition by the petitioners-tenants.

2. It is the contention of learned counsel for the petitioners-tenants that the findings recorded by the Courts below with regard to the *bona fide* necessity of the respondent No.1-landlord are not justified, specially in the light of the fact that he has not approached the Court with clean hands as in his pleadings he has wrongly mentioned that he

has not vacated any premises within the Municipal limits of Patiala after the commencement of the 1949 Act, whereas he himself is admitting that in the year 1992, he had vacated a shop and constructed first floor over the demised premises to establish the workshop for washing and ironing of the clothes. That apart, he contends that his son is already running a shop in a different locality and, therefore, it cannot be said that there is no premises available to him where he can run his business, specially when all through he has been continuing with the back portion of the shop in question and the first floor. He, thus, contends that the present petition be allowed and the impugned orders be set aside.

3. I have considered the submissions made by learned counsel for the petitioners-tenants but am unable to accept the same

4. In the petition for eviction, what has been mentioned by the landlord is that he has not vacated any shop without any reasonable and sufficient cause or any other such premises within the Municipal limits of Patiala after the commencement of the 1949 Act. In the statement, which has been referred to and discussed by the Appellate Authority in its impugned order dated 01.09.2014, reason given for vacation of the shop in the year 1992 has been given i.e. construction of the first floor over the demised showroom owned by the landlord of which back portion is being occupied by him. Explanation, thus, given by him is just and reasonable for vacating the shop in the year 1992 and, therefore, it cannot be said that respondent No.1-landlord had not approached the Court with clean hands.

5. As regards, the *bona fide* necessity of respondent No.1-landlord is concerned, he unfortunately met with an accident because of which he got

his hip joint replaced on account of injuries which has resulted in his handicap and he is unable to go to the first floor of the shop to supervise the work of washing and ironing of the clothes. It has come on record that earlier his son was helping him in this aspect but as he has moved to another shop in a different locality, and thus, is not in a position to do the supervision work here and, therefore, he needs the premises in question for establishing his workshop on the ground floor. The findings, thus, recorded by the Courts below cannot be said to be without any basis or non-appreciation of the evidence in the right perspective. The findings recorded by the Courts below, thus, cannot be faulted with.

6. Finding no merit in the present revision petition, the same stands dismissed.

7. In the light of the dismissal of the petition itself, the application for stay i.e. CM No.23525-CII of 2014, stands disposed of as infructuous.

October 05, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE