

CR No. 8631 of 2014(O&M)

Date of decision:27.11.2015

Bhupinder Nagpal

.....Petitioner

versus**Dalip Singh**

.....Respondent

Coram: Hon'ble Mr. Justice Arun Palli**Present:** Mr. D.S.Patwalia, Sr. Advocate with
Mr. B.S.Patwalia, Advocate
for the petitioner.Mr. R.C.Chaudhary, Advocate
for the respondent.**Arun Palli, J.(Oral)**

Eviction petition preferred by the petitioner/landlord, on account of personal bona fide need, was dismissed by the Rent Controller vide order dated 22.12.2012, as he had failed to plead the necessary requirement envisaged by Section 13(3)(a)(ii)(i)(b)(c) of East Punjab Urban Rent Restriction Act, 1949. As even the appeal preferred against the said order failed and was dismissed by judgment dated 11.09.2014, that landlord is before this Court.

Concededly, the case set out by landlord, in the ejectment petition, was not examined on merits as he was non-suited on a short score that he failed to plead that he was not in occupation of another accommodation in the same local urban area. However, during the course of evidence, the fact that the petitioner owned and occupied yet another booth had come on record. That being so, the rent controller could always take cognizance of this evidence and evaluate the same while drawing a final

analysis of the alleged need/requirement of the petitioner.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the orders, that are being assailed, be set aside and the matter be remitted to the rent controller for rededecision in accordance with law.

Accordingly, the order dated 22.12.2012, rendered by Rent Controller, SAS Nagar Mohali as also judgment dated 11.09.2014 rendered by Appellate authority are set aside and the matter is remitted to the Rent Controller for decision of the eviction petition preferred by the petitioner, afresh, strictly, in accordance with law.

The revision petition is disposed of in the above terms.

27th November, 2015
Shivani Kaushik

[ARUN PALLI]
JUDGE