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

**C.M. No.26550-CII of 2014 in/and
C.R. No.1164 of 2013 (O&M)
Date of Decision : 18.01.2016**

Surjit Kaur and others

..... Petitioners

Versus

Shanti Devi

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Gurcharan Dass, Advocate
for the non-applicant-petitioners.

Mr. Ankur Ghai, Advocate
for the applicant-respondent.

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?

AJAY TEWARI, J. (Oral)

This is an application for fixing mesne profits. At the request of the learned counsel, the main case is also taken up for hearing today itself.

This petition has been filed against the order dated 19.10.2011 passed by the Rent Controller and the order dated 15.01.2013 passed by the Appellate Authority directing the petitioners to vacate the possession of the shop in dispute.

Brief facts of the case are that the respondent and her son were owners of five shops and residential portion of the building and the respondent sought the eviction of the petitioners on the ground that they needed the possession of the shop in dispute to enlarge the business. Both the Courts having found in favour of the respondent-landlady, the petitioners are before this Court.

Learned counsel for the petitioners has argued that during the pendency of the case the petitioners have sold the property in dispute.

Learned counsel for the respondent points out that it is not a case of sale but a case where the landlady transferred some portion of the property in favour of her son and it should not be come under the mischief of Section 13 (3)(a) of the East Punjab Urban Rent Restriction Act, 1949.

Learned counsel for the petitioners has further argued that the respondent had got vacated one shop prior to the filing of this petition and her son is in possession of two shops.

Be that as it may, it by itself would not erode the need of the third shop for the landlord if on evidence the same is established, as has been held by both the Courts below.

Learned counsel for the petitioners has further argued that the respondent has also purchased some property in Pindi Street, Ludhiana. However, it is not clear as to what is that property. In the circumstances, that fact can also not be taken to show that the shop in dispute is not required by the respondent-landlord.

No other argument has been raised by the learned counsel for

the petitioners in the present case.

Consequently, the revision is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 18, 2016

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**(AJAY TEWARI)
JUDGE**