

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

Civil Revision No.1409 of 2016 (O&M)

Date of Decision: August 01, 2016.

Bakshi Ram

.....PETITIONER(s).

VERSUS

Kaushalaya Devi (Deceased) through her LR and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dinesh Nagar, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Landlady Kaushalya Devi (since deceased) sought ejectment of revision petitioner Bakshi Ram and proforma respondent Tony from the demised premises i.e. shop situated at Bhadroya Road near Municipal Water Tank, Pathankot for the personal bona fide requirement of her son Sukhdev Raj, a carpenter by profession who due to his old age and poor health was unable to work as carpenter and wanted to set up his own business in the demised premises.

Learned Rent Controller upheld the plea taken by the respondent-landlord and the order passed by the Rent Controller was affirmed by the Appellate Authority, Pathankot.

The revision petitioner admitted the bona fide need of the landlord and Appellate Authority in para 14 of its order has observed as follows:-

“14. Bonafide need of applicant no.2 Sukhdev Raj
real son of landlady Kaushalaya Devi is duly proved on

record from the statement of Sukhdev Raj (PW1) as well as from the admission made by RW1 Bakshi Ram, one of the tenants. During his cross-examination, it was admitted by him that both Sukhdev Raj applicant no.2 and Ashok Kumar are real brothers. They are sons of applicant no.1 Kaushalaya Devi. He also admitted that there was no other property of the landlord except the aforesaid shop and the one which was given to Ashok Kumar in family settlement which has been alienated by him after ejectment order was passed by the learned Rent Controller. He also admitted that applicant no.2 Sukhdev Raj is a Carpenter by profession. He also admitted it correct that applicant Sukhdev Raj was quite old age person and thus he could not work as a labourer on daily wages and he is required to work by sitting in his own shop. Such part of the statement of the appellant has clinched the matter that need of applicant no.2 Sukhdev Raj to start carpentry business in the shop in dispute is bonafide because due to his old age and ill health, he is unable to do carpentry work as a labourer.”

The above observation by the Appellate Authority could not be assailed by the learned counsel for the revision petitioner, calling for any interference in the concurrent findings of the Authorities under the Rent Act that the demised premises is required by the respondent-landlord for their personal bona fide necessity.

This revision petition has no merits.

Dismissed.

August 01, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

√
Yes/No

Whether Reportable:

√
Yes/No