

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

C.R. No.488 of 2016 (O&M)

Date of Decision : 24.02.2016

Man Mohan Kaushik

..... Petitioner

Versus

Gobind Parshad Dalmia

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.K. Bhardwaj, Advocate
for the petitioner.

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)

On 25.01.2016 the following order was passed:-

“Counsel for the petitioner states that the petitioner would not press this petition on merits but the petitioner is using the premises in dispute on commercial basis and if he is given adequate time, he will vacate the premises voluntarily without forcing the respondent-landlord to file an execution application.

Notice of motion for 10.02.2016. Let the respondent be served through counsel in the trial Court by way of dasti process.

To be shown in the urgent list.”

Thereafter on 10.02.2016 the following order was passed:-

“Learned counsel for the petitioner states that he could not able to contact the petitioner and seeks one last opportunity to serve the respondent by way of dasti process.

Let fresh notice be issued to the respondent. Let respondent be served through his counsel in the executing court by way of dasti process.

Adjourned to 24.02.2016.

To be shown in the urgent list.”

Even now the report has come that no one has come present to collect the dasti summons. Today, the learned counsel states that the petitioner has changed his decision to vacate the premises voluntarily and wants a decision on merits in the present case. Learned counsel further states that it was wrongly recorded in the order dated 25.01.2016 that the premises in dispute was used for commercial purpose and actually the same is being used for residential purpose.

This revision has been filed against the concurrent orders of the Courts below allowing ejectment of the petitioner-tenant from the demised premises.

The respondent-landlord had pleaded that though he had been staying in Jharkhand for the last many years yet now he wanted to come back and stay in his ancestral house i.e. Bhiwani and wanted to start business over there. Both the Courts below after going through the record come to the conclusion that the need of the respondent-landlord was bonafide and consequently ordered the eviction.

Learned counsel for the petitioner-tenant again reiterated that the landlord being old man is not likely to start the business.

In my opinion, this speculative argument can not hold water. Once it is clear that the tenant has not able to elicit anything useful and has not been able to show that the landlord was otherwise not entitled to get the premises vacated, the mere argument that the landlord is an old person is not sufficient to erode his personal necessity.

In the circumstances, the revision petition is dismissed.

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

February 24, 2016

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**(AJAY TEWARI)
JUDGE**