

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

**CIVIL REVISION NO.4827 OF 2014 (O&M)
DATE OF DECISION: MAY 27, 2016**

Kishan Lal

.....Petitioner

VERSUS

Manish Kumar

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Anurag Jain, Advocate,
for the petitioner.

Mr. Akshay Kumar Goel, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of learned counsel for the petitioner that the Appellate Authority, Bhiwani, vide impugned judgement dated 29.04.2014, has not referred to the evidence which has been led by the respondent-landlord, proving his personal necessity. In the findings, which have been recorded, merely by relying upon judgements of various Courts, a conclusion has been drawn that bonafide personal necessity of landlord stood established.

Counsel for the respondent could not rebut the said assertion.

He, however, states that evidence has been referred to in the earlier part of the judgement and, therefore, the same may be read into for coming to the

context in which such a finding has been recorded.

This contention of learned counsel for the respondent cannot be accepted as the findings, which have been recorded, should have been based upon the facts, which are pleaded and the evidence led by the parties. In the absence of such a reference, the findings, as have been returned by the Appellate Authority, cannot sustain.

In view of the above, the revision petition is allowed and the impugned judgement dated 29.04.2014 passed by the Appellate Authority, Bhiwani, is hereby set-aside.

The parties are directed to appear before the Appellate Authority, Bhiwani, on 05.07.2016. The Appellate Authority, Bhiwani, shall decide the appeal within a period of two months from the date of appearance of the parties before it.

May 27, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE