

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-605-2016(O&M)

Date of decision : 28.05.2016

Ashok Kumar

..... Petitioner

versus

Sudeshpal Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Avtar S.Khinda, 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)

This petition has been filed against concurrent orders of the Courts below ordering the eviction of the petitioner on the ground of personal necessity of the respondent.

The case of the respondent was that she required the premises for the use of her son and daughter-in-law who are eye surgeons and she was owner of two shops and she had filed petition for eviction of the tenants of both shops for the need of her son and daughter-in-law who wanted to start a nursing home. The only ground taken by the petitioner was that the premises in dispute is too small for establishing a nursing home and that the petitioner not having appeared and having appeared through attorney, her bona fide need was not established. Both the Courts held that the issue whether the property of the respondent was too less to start a nursing home was her business and as regards the issue that the respondent did not appear personally, her attorney was none else but her husband and the son for

whose benefit the property was required had appeared as a witness. Even today the same argument has been raised.

In my opinion the view of the Courts below is correct and there is no material to justify interference in the revisional jurisdiction of this Court under Section 15(5) of the East Punjab Urban Rent Restriction Act. Further, learned counsel has admitted that with regard to the other shop also eviction had been ordered and in fact the respondent has taken possession of both the premises during execution.

Petition is dismissed.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 28 , 2016
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