

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

C.R. No.729 of 2016 (O&M)

Date of Decision : 08.02.2016

Kulwant Kaur and others

..... Petitioners

Versus

Smt. Bimla and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arun Jain, Sr. Advocate
with Mr. Arjun Veer Sharma, Advocate
for the petitioners.

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 revision has been filed against the concurrent judgments and orders of eviction passed against the petitioners from 2 bay showroom i.e. SCO No.1017, Sector 22-B, Chandigarh on the ground of personal necessity.

The precise argument of learned senior counsel is that it is a case of greed and not need. As per him, in his testimony the landlord had admitted that he had various tenants on the first floor and second floor and those premises were repeatedly being let out/vacated and let out again and again. As per the learned senior counsel, the landlord had admitted that the neighbouring 2 bay showroom i.e. SCO No.1016 was being occupied by

him. As per him, the son was doing business with the father and therefore there was no need for him to start a new business in SCO No.1017 in the neighbouring shop. More so, he has also argued that since the premises were shop-cum-office, the son could very well have started his business on the first floor and second floor and the fact that the landlord had been letting out the space on the first floor and the second floor and had not disclosed this fact, would be a material concealment.

In my opinion, these arguments can not prevail. As regards the occupation of SCO No.1016 the landlord had stated (and this fact is not disputed by the tenants) that there he and his brother were doing the business. In the circumstances, the desire that a child of one of the brothers should start an independent business cannot be deemed to be irrational or greedy. The further argument that premises on the first floor and second floor were being let out even before the eviction petition was filed amounts to a material non-disclosure can also not prevail. There can be no comparison between the business potential of a shop which opens on the ground floor and commercial premises on the first and second floor which can be accessed only through a narrow staircase from the side of the showroom. In the circumstances, the non-disclosure about the occupants on the first and second floor would not prejudice the tenants-petitioners to such an extent so as to completely derail the case of the landlord. In the circumstances, it cannot be said that the concurrent orders of the Rent Controller and the Appellate Authority are vitiated or perverse.

Resultantly, the revision petition is dismissed.

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

February 08, 2016
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(AJAY TEWARI)
JUDGE