

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

**Civil Revision No.2467 of 2016 (O&M)  
Decided on : 20.01.2017**

Munna

... Petitioner

Versus

Rattan Singh

... Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present : Mr. Gagandeep Singh, Advocate for  
Mr. Amandeep Singh Manaise, Advocate  
for the petitioner.

**G.S. Sandhawalia, J. (Oral)**

The present revision petition is directed against the ejectment of the premises in question, which was detailed in the ejectment petition, on the ground that the rent had not been paid, since 01.01.2000 and the petition was filed on 09.09.2004. The other ground for eviction is that the premises are required to start the business of general store for his son, namely, Paramjit Singh, who has been examined as AW-2 by the respondent-landlord. The order of eviction dated 23.01.2013 passed by the Rent Controller, Batala was accordingly upheld by the Appellate Authority on 21.11.2015. The following issues were framed by the Rent Controller, Batala below:-

- “ 1. What is rate of rent? OPA*
- 2. Whether respondent is arrears of rent w.e.f. 01.01.2000? OPA*
- 3. Whether demised premises is required by the applicant/petitioner for his own use and occupation? OPA*
- 4. Whether petition of the applicant is bad for non-joinder of necessary parties?OPR*
- 5. Whether petitioner has concealed the material facts from the Court at the time of filing the present petition?OPR*
- 6. Relief.”*

It is not disputed that the landlord examined himself as AW-3 and his son as AW-2, apart from the Draftsman and one Ashish

Sharma. The rent had been claimed @ ₹ 300/- per month, whereas the case of the petitioner-tenant was that the rate of rent is ₹ 100/- per month, which was accepted. The conditional order for eviction was thus passed on the ground of arrears of rent and two months time was given to the petitioner-tenant to tender the amount, which has been assessed as ₹ 7,570/-.

It is not disputed that the said amount has not been paid as such and the arrears continues. Once the nominal amount of the rent had not been paid, counsel for the petitioner, therefore, could not substantiate on what circumstances the petitioner is entitled to continue the premises.

Even in ***Rakesh Wadhawan Vs. M/s Jagdamba Industrial Corporation' 2002 (5) SCC 440***, the Court has said that the subsequent conduct of the tenant regarding the payment of rent would be taken into consideration. A period of more than a decade has gone by, since the petition was instituted and the rent has not been paid. Apart from this fact the need of the respondent-landlord has been held to be bonafide on account of his personal use and occupation for his son who was unemployed.

In such circumstances, the findings which have been recorded by the Courts below do not warrant any interference by this Court. Accordingly, the present revision petition is dismissed.

**JANUARY 20, 2017**  
Naveen

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*