

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

**Civil Revision No. 4127 of 2015 (O&M)
Date of Decision: 12.07.2017**

Harsh Vijay Jain

..... Petitioner

Versus

Baljit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Petitioner-Harsh Vijay Jain in person.

Mr. Ashish Pannu, Advocate
for the respondent.

JASWANT SINGH, J. (ORAL)

Petitioner-tenant is in revision against the concurrent findings recorded by both the Courts below, whereby he has been evicted from the demised premises i.e. Lower Income Group (LIG) Flat bearing No. 1288-B, Phase-10, SAS Nagar, Mohali, on the ground of personal necessity of the landlord/respondent-Baljit Singh.

The admitted facts are that the demised premises are a Lower Income Group Flat and the respondent is the owner of the aforesaid flat/house, which was let out to the petitioner-tenant in July 2006 at the monthly rent of Rs. 1,500/- per month. It is also not in dispute that Baljit Singh (landlord/respondent) is the only son of his parents, and his father has died around 8-10 years prior to the filing of eviction petition on 28.08.2010. The landlord filed an eviction petition on 28.08.2010 on the ground of “*arrears of rent*”, “*nuisance*” and *bona fide* necessity for residing himself and the widowed mother, living admittedly on rent in another premises.

The Rent Controller, SAS Nagar, Mohali, vide order dated 23.02.2015, ordered the eviction of the demised premises on the ground of *bona fide* necessity of the landlord/respondent. The said findings have been confirmed by the Appellate Authority, SAS Nagar, Mohali, vide order dated 28.05.2015.

By referring to the cross-examination of landlord, the petitioner has sought to urge that as the landlord in his cross-examination has admitted that keeping in view the nature of his job, he is now permanently settled at Bangalore with his wife and none of his relatives is residing in Mohali, therefore, the said subsequent events remove the basis for sustaining the findings qua *bona fide* necessity.

On the other hand, learned counsel for the respondent has argued that there is a concurrent findings that the old widowed mother of the petitioner is living in a rented accommodation at Mohali and the landlord owns no other property except the demised premises, which are required to accommodate her mother, therefore, no case for interference is made out.

After hearing learned counsel for the parties, this Court persuaded to accept the plea of respondent-landlord.

It is well settled by the Hon'ble Supreme Court in case of '**Hindustan Petroleum Corporation Ltd. Versus Dilbahar Singh, 2014 (4) RCR (Civil) 162**' that the scope of revisional jurisdiction in concurrent findings of fact is extremely restricted. The reference on behalf of the petitioner to the impact of the cross-examination of the landlord has been dealt with in *extenso* by the lower Appellate Authority in para 13, 14 & 15 of the judgment dated 28.05.2015, while rejecting the plea(s) raised on behalf of the tenant/petitioner. This Court has also examined the cross-

examination of the landlord and in no way persuaded to accept that the need for housing widowed mother in the demised premises can be rejected, as the tenant or anybody cannot dictate the terms to the landlord. Further, it is nowhere admitted that the widowed mother has now started permanently residing at Bangalore.

In view of above, there is no illegality or perversity in the findings, therefore, no case for interference is made out.

Present petition stands dismissed.

July 12, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No