

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

CR No.4339 of 2017(O&M)

Date of Decision:-12.09.2017

Shri Krishan since deceased through Lrs.

.....Petitioner.

Versus

Mahender Kumar & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Kundu, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

Lrs of Petitioner (tenant) is in revision directed against the concurrent findings returned by the Authorities below whereby their eviction has been ordered on the ground of bonafide requirement of the respondent(landlord) for their use and occupation as well as of his son.

Learned Counsel for the petitioner has argued that the ejectment application filed by the respondent (landlord) is liable to be dismissed on the ground of concealment of facts as it is proved on the record that he is owner in possession of another shop in the urban area of Rohtak which is being run under the name and style of Sat Narayan and Company. However, he has argued that the landlord is also running a shop in Panipat under the name and style of Gourav

Enterprises in the urban area Panipat and thus, it is apparent that the landlord has concealed material facts from the Court which necessitates dismissal of the ejectment application.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

It is apparent from the record that no evidence has been led by the petitioner-tenant to prove that the landlord has any concern with the shop being run in Grain Market, Rohtak under the name and style of Sat Narayan and Company. No partnership deed/sale deed/any document from the office of Municipal Committee has been placed on record which could show even an *iota* of nexus between the landlord and the shop allegedly owned and possessed by the respondent (landlord).

As far as the plea of the landlord having a shop under the name and style of Gourav Enterprises in the urban area of Panipat is concerned, this Court is of the opinion that even if it is taken that the respondent-landlord is owner in possession of a shop in Panipat would not itself disentitle him from seeking ejectment of the demised premises which is admittedly in the urban area of Rohtak. As per Section 13 of The Haryana Urban (Control of Rent & Eviction) Act, 1973 the landlord has to disclose about his possession of a shop in the urban area of the city where the demised premises is located. Even otherwise, there is no evidence in support of the contention raised by the petitioner that the alleged shop being run by the respondent-

landlord under the name and style of Gourav Enterprises belongs to him.

In view of the above, finding no merit in the present revision petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

September 12, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>