

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

Civil Revision No.4856 of 2014 (O&M)

Date of Decision: 11.09.2017

Subhash Chand and others

..... Petitioners

Versus

Krishna Chaudhary and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioners.

JASWANT SINGH, J. (ORAL)

The natural landlords/petitioners are in revision directed against the order dated 05.10.2011 (**Annexure P-1**), passed by the learned Rent Controller, Chandigarh and the order dated 20.01.2014 (**Annexure P-2**), passed by the learned Appellate Authority, Chandigarh, whereby the eviction petition, *inter alia*, on the ground of personal necessity has been dismissed and affirmed in appeal.

The conceded facts are that Satish Kumar (respondent No.1 therein) was inducted as a tenant on a monthly rent of ₹ 900/- per month, exclusive of water and electricity charges, in shop portion of SCF No.16, Sector 15-C, Chandigarh by Sh. Lal Chand Mahajan, the owner of the property. After the death of Sh. Lal Chand Mahajan on 30.08.1993, the petitioners being his sons became the natural landlords. They filed an eviction petition on 08.08.2005, seeking eviction of Satish Kumar (respondent No.1 therein) and one Vishwajeet (respondent No.2 therein) on the ground of non-payment of rent w.e.f. 01.10.2002 and the ground of personal necessity of the landlords.

The learned Rent Controller, Chandigarh, vide judgment dated 05.10.2011, passed an conditional eviction order, directing the tenant to pay arrears of rent @ ₹ 800/- per month within 60 days from the date of passing of the order.

The ground of personal necessity was repelled.

The landlords in the appeal, apart from the ground of personal necessity, tried to address arguments on the ground of subletting of the demised shop to said Vishwajeet, however, the plea was rejected as the eviction petition was not filed on the ground of subletting and being beyond the pleadings. Vishwajeet was impleaded as it transpires that he was working in partnership with Satish Kumar in the demised premises. The plea of personal necessity was also rejected due to lack of any cogent evidence adduced by the landlords. Hence, the present revision.

A perusal of the previous orders reveals that notices in the present case are yet to be issued and on most of the hearings, none had appeared on behalf of the petitioners/landlords. It appears that the petitioners/landlords are not interested in pursuing the present revision.

In view of the above, the present petition is dismissed for non-prosecution.

September 11, 2017
Gagan

(JASWANT SINGH)
JUDGE

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