

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.5453 of 2016(O&M)
Date of decision: 13.02.2017

M/s Joginder Singh & Sons

....Petitioners

Versus

Shri Prem Narayan

...Respondent

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

Present: Mr.CSS Sisodia, Advocate, for the petitioners.

Mr.Manu Rastogi, Advocate, for the respondent.

G.S. SANDHAWALIA, J. (Oral)

Eviction has been ordered by both the Courts below, on the ground of *bona fide* requirement. Counsel for the respondent has brought to the notice of this Court that possession has already been delivered to the respondents. On 08.12.2016, the following order was passed:

“Mr.Manu Rastogi, Advocate who has appeared for the respondent submits that this revision petition has become infructuous as the possession has already been delivered to the respondent.

In support of his contention, he has placed on file report of warrant of possession dated 29.8.2016.

Learned proxy counsel for the petitioners submits that he has no instructions and the arguing counsel is out of station and requests for adjournment.

List on 23.12.2016.”

Even today, counsel for the petitioners is not in a position to controvert the said fact.

The record has been perused. The *bona fide* requirement was on account of the sons of the landlord, one who is working as Dental Surgeon and the other who is an Advocate. Objection has been raised, as such, that the landlord himself had not appeared.

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A perusal, however, goes on to show that the power of attorney, namely, Manu Rastogi, the son, who is practising as an Advocate, had himself appeared and stepped into the witness-box. Therefore, the finding was recorded that the son would be expected to know the personal needs of the landlord, especially when the father wanted the same for opening of the office of the son. The relationship between the landlord-tenant, as such, is not in dispute and the premises have been handed-over to the landlord-Prem Narayan. Therefore, being the co-owner, he would be entitled for maintaining the eviction petition. The said finding was on the basis of the earlier proceedings *inter se* the parties.

Resultantly, keeping in view the concurrent findings which have been recorded by the Courts below, this Court is of the opinion that no case is made out, as such, for interference under the revisional jurisdiction of this Court. Accordingly, the present revision petition is, hereby, dismissed.

February 13th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No