

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

Date of Decision:-21.12.2017

CR No.6549 of 2017(O&M)

Satyawart.

.....Petitioner.

Versus

**The Jind Distt. Govt. Employees Co-operative House Bldg. Society
Limited.**

.....Respondent.

AND

CR No.8491 of 2017(O&M)

Manish Kumar Arya.

.....Petitioner.

Versus

**The Jind Distt. Govt. Employees Co-operative House Bldg. Society
Limited.**

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashok Kumar Verma, Advocate for Petitioner (tenant).

Mr. Surinder Singh Duhan, Advocate for
Respondent(landlord).

JASWANT SINGH, J.(ORAL)

This common order shall dispose of both the aforesaid revision petitions as the same arise out of common facts. The landlord in both the petitions is same, the ground of eviction is also same i.e. Personal necessity as well as cease to occupy and the only difference is of the tenants. For the sake of convenience the facts are being taken from CR No.6549 of 2017.

Learned Counsel for the petitioner (tenant) has argued that the observations and findings returned by the Authorities below to hold that the respondent-society requires the premises for its personal use is against law as well as facts and thus liable to be set aside. He has further argued that the findings returned by the Authorities below on the ground of cease to occupy are also contrary to the record because they have wrongly relied upon the report submitted by the local commissioner as no notice was given by him at the time of inspection.

Vide order dated 06.12.2017, the tenant had restricted his prayer for grant of some reasonable time only as the Counsel had failed to convince the court on merits. Notice was issued to the respondent(landlord) to that limited extent. However, today the parties could not arrive at an amicable settlement, thus, the present petition is heard on merits.

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

A perusal of the record reveals that the respondent (landlord) had set up a requirement of opening an office in both the demised premises for the purpose of already running *Dharamshala*. This fact has been testified by the President of the respondent Society namely Dhoop Singh who appeared in the witness box as PW-2. No contrary evidence has come on record from the side of the tenants to take a different view than the view taken by the Authorities below.

As far as the ground of cease to occupy is concerned, it is apparent from the record that the respondent (landlord) has examined the

neighbours of the demised premises who have stated that the premises has been lying locked for the past more than two years. Not only this, the Local Commissioner's report, if seen only for the purpose of examining as to whether any business is indeed being carried out by the tenants would reveal that there is no sign board depicting the nature of the shop; the shutters of the shops seems to have been in the same condition for very long time; no electricity connection and the said facts stands testified from the photographs which have been proved on record and not denied by the petitioner (tenant).

In view of the above, finding no merit in the both the revision petitions, the same are hereby dismissed.

(JASWANT SINGH)
JUDGE

December 21, 2017
Vinay

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