

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

CR 6552/2017(O&M)

Date of decision:29.11.2017

Ram Niwas and others

.....Petitioners

v.

Bharat Singh and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Sanjay Mittal,Advocate for the petitioners/tenants

Jaswant Singh,J,(Oral).

Petitioners/ tenants are in revision directed against the concurrent findings recorded by the Authorities below whereby they have been ordered to be ejected from the demised shop on the grounds of (i)non-payment of rent, (ii)having ceased to occupy the demised premises; and (iii) bonafide requirement of landlord vide order dated 24.5.2014 passed by Rent Controller, Rewari and findings thereof affirmed in appeal by Appellate Authority,Rewari vide order dated 20.4.2017.

Briefly noticed, the demised shop was let out by Smt. Barfi Devi, mother of the landlords to Ram Parshad, deceased father of tenants/appellants at agreed monthly rent of Rs.225/-. After the death of Ram Parshad, appellants herein (four sons and one daughter of Ram Parshad) became statutory tenants. Their eviction was sought on the grounds of (i) non-payment of rent from 1.4.2006 till the date of filing of eviction application; (ii) the demised shop having become unfit and unsafe for human habitation; (iii) the tenants having ceased to occupy the demised

shop after 2003; and (iv) bonafide requirement of landlord/respondent no.2 in order to settle her son. It was alleged that Ram Niwas and Kishori Mal were employed in Haryana State Electricity Board, Kamal was employed in Government College, Mohindergarh, Kesar Devi who was married in the year 1974 was residing with her husband at Panchkula and it was only respondent Jaswant who had occupied the shop till 2003.

Upon notice, tenants filed joint written statement denying the case of the landlords in toto. The employment of three respondents in Government job was admitted.

Both the Authorities below on the basis of evidence led by the parties allowed the eviction application on the grounds of non-payment of rent, (ii) tenants having ceased to occupy the demised shop; and (iii) bonafide requirement of the landlord. Hence the present revision.

After hearing learned counsel for the appellant at length and with his able assistance perusing the paperbook carefully, this Court is of the considered view that the instant appeal is liable to be dismissed.

Both the Courts below on the basis of evidence led by the parties have found that appellants/tenants have failed to bring on record any cogent evidence to show that they had either directly paid the rent to the petitioners after 31.7.2007 or deposited the same in Court. Thus, they were found to be in arrears of rent w.e.f. 1.8.2007 till the passing of the eviction order by the Rent Controller.

As regards the ground of tenants having ceased to occupy the demised shop, it was their admitted case that two of them were employed in HSEB; one was employed in Government College, Mahindergarh while their sister was married and residing with her in laws. As regards the

occupation of the shop by one of the remaining brother Jaswant, it was case of the landlords that he too had ceased to occupy the shop after 2003. This fact, was corroborated by none else but by respondent-tenant Kishori Mal who stated that the electricity connection had been disconnected in the year 2004-05 and they (tenants) applied for fresh connection on 24.6.2009 which was restored on 6.7.2009. Moreover, tenants failed to produce any purchase book, bill book or other proof on record to show that any business activity was being undertaken from the demised shop after 2004.

Regarding the bonafide requirement of landlord for settling her son, it was found that their claim remained unrebutted on case file. Appellants did not put even a single suggestion to landlords with regard to their personal bona fide necessity.

In view of the above, I find no merit in the instant revision petition.

Dismissed.

29.11.2017
joshi

(Jaswant Singh)
Judge

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