

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

CR No.7546 of 2011(O&M)

Date of Decision:-27.11.2017

Smt. Rama Devi & Ors.

.....Petitioners.

Versus

Mohinder Kumar.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sanjiv Gupta, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Present revision has been filed by the landlords directed against the concurrent judgments passed by the Authorities below whereby their eviction petition has been dismissed vide order dated 22.11.2008 passed by the learned Rent Controller, Karnal and findings thereof were affirmed by learned Appellate Authority, Karnal vide judgment dated 23.08.2011.

It is averred that the 12 petitioners are co-owners of the demised shop on the back side portion of the first floor. The rent application seeking eviction of the tenant Mahinder Kumar was sought on three grounds namely (i) *non payment of arrears of rent at the rate of Rs.800/- per month w.e.f. September 1999 till 30.05.2002;* (ii) *cease to occupy;* and (iii) *the personal necessity for settling the son of Om Parkash-*

evaluation of the evidence found that the rate of rent was Rs.150/- per month and the arrears stood cleared. The ground of cease to occupy was also rejected as the evidence was inadequate. The requirement for opening of a computer shop by the son of Om Parkash was repelled on the ground that the BCA degree was not placed on record as also the location of the shop was not suitable for opening the computer business. The findings were affirmed by the learned Appellate Authority, Karnal vide judgment dated 23.08.2011. Hence the present revision.

Although the findings of personal necessity against the landlord are liable to be set aside being not well founded in view of the settled law that it is for the landlord to judge the suitability of the premises and the tenants or the Court cannot substitute their own opinion.

However, at the time of arguments counsel for the landlord submits that the present petition be dismissed as infructuous in the light of the tenant having agreed to vacate the premises within 2-1/2 years time in the proceedings emanating from the subsequent eviction petition initiated by the landlord.

In view of the above, present revision petition is hereby dismissed as infructuous.

(JASWANT SINGH)
JUDGE

November 27, 2017
Vinay

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