

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

CR No.86 of 2017 (O&M)
Date of decision: 12.01.2017

Raj Kumar

....Petitioner

Versus

Jagan Nath

...Respondent

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

Present: Mr.Veneet Sharma, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner-tenant challenges the concurrent findings recorded by the Courts below whereby ejectment had been ordered from shop No.47-B, Tagore Nagar, Ludhiana, shown in red colour in the site plan, under the East Punjab Urban Rent Restriction Act, 1949.

It is not disputed that in pursuance of the ejectment order of the Rent Controller, Ludhiana dated 28.07.2011, which has been upheld by the Appellate Authority on 29.11.2016, possession has already been taken on 04.01.2017, as a separate application for execution of the appellate order, had been filed by the respondent-landlord.

A perusal of the paperbook would go on to show that ejectment was sought on the ground that the respondent-landlord required the premises for one of his three sons, who was living abroad. The landlord had stepped into the witness-box and supported the ejectment application. The evidence of the respondent went un-rebutted as the petitioner-tenant did not lead any evidence and resultantly, eviction was ordered.

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During the proceedings before the Appellate Authority, an application was filed for leading additional evidence, to examine the petitioner himself as well as one Vipin Kumar. The Appellate Authority rejected the said application while dismissing the appeal as well, on the ground that from the record, it revealed that sufficient opportunity had been given to examine the witnesses to the tenant. It was also noticed that an application under Order 6 Rule 17 CPC, for amendment of the written statement, was dismissed by the Appellate Authority and upheld by this Court in CR-8698-2015 on 27.01.2016. Resultantly, the second application for amendment was also dismissed by the Appellate Authority. On merits, it was noticed that the property in question was part of the residential property and the ejectment is on the ground of *bona fide* necessity. The arrears of rent had been paid and therefore, the relationship was, as such, not questionable.

Keeping in view the concurrent findings which have been recorded and which do not suffer from any illegality or infirmity, this Court is of the view that the requirement, as such, is *bona fide* and the said orders are not liable to be interfered with in revisional jurisdiction, especially, keeping in view the observations of the Apex Court in **Hindustan Petroleum Corporation Ltd. Vs. Dilbahar Singh (2014) 9 SCC 78.**

Resultantly, in view of the above discussion, the present revision petition stands dismissed.

January 12th, 2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No