

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8815 of 2017 (O&M)

Date of Decision:15.12.2017

Rajesh Sharma

... Petitioner

Versus

Reena Mehta

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.K.Aurora, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

1. This revision petition has been filed by the petitioner/tenant against the impugned order dated 13th September, 2017 passed by the Appellate Authority upholding the order dated 24th December, 2014 passed by the Rent Controller, Jalandhar whereby ejectment petition filed by the respondent/landlady was allowed.

2. The respondent/landlady filed an Eviction Petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 against the appellant/tenant for seeking his eviction from the demised shop on the ground of personal bona fide need for her son, Ankit so that he could start a business therein. The Eviction Petition has been allowed by the Rent Controller, Jalandhar on 24th December, 2014 and the findings of the Rent Controller have been affirmed by the Appellate Authority.

3. The case of the landlady/respondent that tenant has ceased to occupy the premises has been proved to its hilt that the demised shop is closed since 2nd July, 2009 without any just and sufficient cause and there is not even an electricity connection in the demised shop and no business is being conducted by the petitioner/tenant. To prove her stand, the landlady

examined her husband, PW-1-Manjesh Mehta, her son Ankit Mehta, PW2. Furthermore, an independent witness PW-3 Kamal Kishore was examined. PW-3 Kamal Kishore who is running a ladies tailoring shop adjacent to the demised shop has deposed that the appellant who is tenant in the shop in question, has closed and locked the shop for the last 6/7 years. This witness was subjected to lengthy cross-examination by the respondent/tenant but his testimony was not shaken and nothing could be unearthed in his favour. The petitioner has annexed two photographs alongwith this petition as Annexure P-1 to show that the petitioner is running business in the shop. A perusal of the two photographs itself speaks against the petitioner. It is clearly photo shopped to suit the stand that shop is in use. There are only seen three ladies garments on hangers and a sewing machine. These photographs are of no help to the tenant. This Court in exercise of revisional jurisdiction shall not exercise its power as an appellate power to re-appreciate or re-access the evidence for coming to a different finding on facts.

4. The appellant has prayed for tendering the arrears of rent, but the same was denied by both the authorities below since the tenant had earlier denied the relationship of landlord and tenant and therefore, the Rent Controller rightly passed the ejectment order. The Rent Controller has returned a finding that the tenant is in arrears of rent since 2nd July, 2009 at the rate of ₹ 600 per month which amount is disputed by the appellant-tenant since he claims that the rent was at ₹ 400 per month. Whatever may be the position of rate of rent, I have no reason to alter the findings recorded by the Rent Controller and the Appellate Authority on evidence.

There is no illegality and infirmity in the impugned orders passed by the

5. In view of the above, I find no merit in this revision petition and the same is hereby dismissed *in limine*.

(RAJIV NARAIN RAINA)
JUDGE

15.12.2017
MFK/poonam (II)

Whether speaking/reasoned

Yes

Whether Reportable

No