

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

R.A. No. 55-CII of 2017 in
C.R. No. 1743 of 2017
Date of decision: 03.05.2017

Rajinder Kumar

....Petitioner(s)

Versus

Mamta Goel

...Respondent(s)

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

Present: Mr. Pankaj Chauhan, Advocate,
for the review-applicant/respondent.

Mr. Sandeep Verma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The review application for review of order dated 07.04.2017 has been filed by the respondent-landlord on the ground that the undertaking given by the petitioner-tenant that they would vacate by 31.03.2018 is not justified since it had been held out by the counsel that identical time should be given to vacate the premises in question as had been given to the other tenants by the Apex Court vide order dated 08.12.2016 (Annexure R-1). It is submitted that in the said cases, time had been given only till 31.03.2017 while declining to interfere against the order passed by this Court in separate revision petitions on 17.10.2016. It is accordingly submitted that undue latitude has been granted to the petitioner-tenant and, therefore, there is a mistake and error apparent and the order is liable to be reviewed.

Notice in the review application.

Mr. Sandeep Verma, Advocate accepts notice on behalf of the non-applicant/petitioner.

A perusal of Annexure P-1, the site plan, would go on to show that the two shops are separately situated from the ones which were subject matter of the litigation earlier and which were sought to be vacated for the need of the husband namely Deepak Goel. Thus, a separate cause of action as such had been agitated in the eviction petitions for both husband and wife for the property which is owned by the wife. The three shops which have already been got vacated were in possession of one Gurmeet, Satpal and Ashok Kumar and are situated on the other side of the building and two shops intervening were sold by the parents of the landlady. The present two shops as such cannot as such be intermingled with the other two shops and, therefore, the respondent-applicant can utilize the other properties for the purpose of the personal use of her husband and will not be as such adversely effected even otherwise if the tenant continues to occupy the premises till the prescribed period of the undertaking given.

In such circumstances, no ground is made out for review and the review applications are dismissed.

03.05.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No