

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1076 of 2007 (O&M)
Date of Order: 25.07.2018

Dinesh Kumar @ Desa

..Petitioner

Versus

Subhash Chander and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Sirpikhi, Advocate,
for the petitioners.

Mr. Kuldip Sanwal, Advocate,
for respondents no.1 and 2.

ANIL KSHETARPAL, J(Oral)

Petitioner-tenant is in the revision petition against the order passed by the learned first appellate authority, ordering his eviction on the ground of bonafide personal necessity.

Respondents Subhash Chander and Happy Kumar, brothers, filed a petition seeking eviction of the respondents-tenants on the ground of personal necessity, sub-letting without written consent and bonafide personal necessity. The only ground which survives consideration is the bonafide personal necessity.

Learned Rent Controller dismissed the petition on the ground that the petitioners have not filed the present petition with clean hands and petitioner no.1 had purchased a shop and a house in the year 1987 which was sold in the year 1998 and, therefore, petitioners were required to disclose these facts.

Learned Appellate Authority considered the provisions of Section 13 of the East Punjab Rent Restriction Act, 1949 and held that the statutory requirement as provided in the Act have been fulfilled and the need of the respondents-landlord is bonafide. It is undisputed that petitioner no.1-Subhash Chander was initially working jointly with his father. However, as he had grown up, therefore, he wants to set up his separate business.

Learned counsel for the petitioners while reading the cross-examination of Subhash Chander has submitted that he has not fairly disclosed the court about his working with his father.

No doubt, the statement of landlord is somewhat sketchy. However, it is apparent that initially petitioner no.1 was working with his father and now he wants to set up his own business. It is also not in dispute that the father has also died. In such circumstances, the need of the petitioners cannot be held to be not a bonafide requirement.

Still further, it is not in dispute that the shop which was purchased by respondent no.1-Subhash Chander was an occupied shop (on tenancy with Harish Kumar) and possession of such shop was not available to respondent no.1-landlord.

In view thereof, this Court does not find any good ground to interfere.

The Civil Revision is dismissed.

July 25, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No