

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

675

Date of Decision : 29.10.2018

CR No.1154 of 2010 (O&M)

Suraj Parkash Jain

..... Petitioner

Versus

Naresh Kumar @ Rinku

..... Respondent

CR No.1208 of 2010 (O&M)

Surinder Pal Bagga

..... Petitioner

Versus

Sarla

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Ms. Sagrika Gupta, Advocate
for the petitioner.

Mr. Akshay Rawal, Advocate for
Mr. Vikas Bahl, Senior Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two petitions.

These two petitions have been filed against the concurrent

The brief facts are that the two petitioners are tenants in two adjoining shops; one owned by Sarla Devi and the other owned by her son- Naresh Kumar @ Rinku. Sarla had filed a petition for eviction on the ground that she required the shop for her son i.e. Naresh Kumar @ Rinku to start a business. In his petition Naresh Kumar @ Rinku had stated that his mother had filed the eviction petition for the adjoining shop and he had filed the petition for the shop of which he was the owner because he wanted to breakdown the intervening wall and start his business in a bigger shop. Both the ejectment petitions were filed in March, 1998. The case of the petitioners was that infact there was no personal necessity since Naresh Kumar @ Rinku was already doing his business. However, apart from the verbal testimony of the petitioners and one other person no other evidence was led to this effect. Ultimately both the Courts having allowed the petitions, the present revisions have been filed.

Learned counsel for the petitioners has argued that in the petition filed by Naresh Kumar @ Rinku he had appeared as his own witness and had falsely stated that he did not know that his mother had filed the petition for eviction of the adjoining shop and this apparently false statement dis-entitled him from any relief. Moreover, in the petition filed by Sarla Devi neither Sarla Devi appeared nor Naresh Kumar @ Rinku appeared.

Learned counsel for the respondents has countered these arguments by stating that in the eviction petition Naresh Kumar @ Rinku had categorically averred about the filing of the petition by his mother for

confused and stated that he did not know the same would not mean that he has come to the Court with unclean hands.

I accept this argument. As regards the non-appearance of Sarla Devi, counsel for the petitioners points out that the attorney was her husband and consequently, did not suffer from the disability which a normal attorney may suffer from. Being husband of Sarla Devi, he was fully aware of all the facts.

I find merit in this argument also. It can not be lost sight of that these petitions were filed more than 20 years ago.

In the totality of circumstances, I am not persuaded that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in revision.

Petitions stand dismissed.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

29.10.2018

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No