

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

**111**

**CR No.1348 of 2018 (O&M)  
Date of Decision : 13.03.2018**

Kishan Kumar

..... Petitioner

Versus

Tirath Ram

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. R.D.Sharma, Advocate  
for the petitioner.

Mr. S.K.Chaudhary, Advocate  
for the caveator-respondent.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

This revision petition has been filed against the concurrent orders of the Courts below allowing an application for eviction filed by the respondent on the ground of personal necessity.

At the time when the eviction petition was filed the respondent was one of the co-owners and had sought possession of the shop in dispute because as per him he wanted to start the sale of spare parts after his retirement. It was further pleaded that his son was already doing that business and he had experience thereof. During the pendency of the petition admittedly the respondent became the exclusive owner of the shop in dispute also. Both the Courts having allowed the petition the petitioner is before this Court.

Learned counsel for the petitioner has argued that at the time when the petition was filed the respondent was not the owner.

In my opinion, this argument can not cut any ice. Once it is admitted that he was one of the co-owners it has been held in a catena of judgments that even one of the co-owners can maintain a petition for eviction on the ground of personal necessity.

Revision petition stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

( **AJAY TEWARI** )  
**JUDGE**

**13.03.2018**

*Pooja sharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No