

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

Civil Revision No. 1430 of 2018 (O&M)

Date of decision : December 19, 2018

Raj Kumar

.....Petitioner

Versus

Parveen Gai

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Sudhir Paruthi, Advocate
for the respondent.

LISA GILL, J.

This petition has been filed challenging judgment dated 15.03.2017 passed by the learned Rent Controller, Jalandhar as well as judgment dated 15.09.2017 passed by the learned Appellate authority, Jalandhar. Eviction of the petitioner – tenant from the premises in question has been ordered by the learned Rent Controller and the said decision has been upheld by the learned Appellate Authority.

Respondent – landlady filed petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 seeking eviction of the petitioner from the demised premises i.e. shop forming part of house detailed in the petition. Ejectment of the petitioner was sought on the following grounds:

- (i) non-payment of arrears of rent
- (ii) building being unfit and unsafe for human habitation
- (iii) personal bonafide necessity of the landlady.

Learned Rent Controller vide judgment dated 15.03.2017

allowed the petition filed by the respondent – landlady while concluding

that relationship of the landlord and tenant between the parties was established, the property having been purchased by the landlady from Mohan Lal - the original owner, from whom the property was admittedly taken on rent by the present petitioner. It was further concluded that the premises in question were unsafe and unfit for human habitation. Plea of personal bona fide necessity of the landlady that she required the premises for her own use besides use and occupation by her husband to run a grocery (Kiryana) store was also accepted by the learned Rent Controller. Appeal preferred by the present petitioner/tenant was dismissed by the learned appellate Authority vide judgment dated 15.09.2014.

Aggrieved therefrom, present petition has been filed.

Learned counsel for the petitioner submits that the respondent is not proved to be the owner of the property in question. Sale deed in respect to the property vide which she acquired title has not been proved on record. Both the witnesses i.e. the present petitioner RW1 and RW2 – Raj Kumar son of Balbir Bardan are illiterate, therefore, reference to their statements by the courts below to infer the relationship of landlord and tenant is unjustified. It is further submitted that the building in question is not unsafe and unfit for human habitation and neither is personal bona fide necessity of the landlady proved on record. It is thus, prayed that this petition be allowed.

Learned counsel for the respondent submits that during execution proceedings, possession of the demised premises has been received by the respondent. Reference is made to order dated 15.09.2018 passed by the learned Civil Judge (Junior Division), Jalandhar. It is submitted that the impugned judgments are well reasoned and logical, thus,

this petition be dismissed.

Heard learned counsel for the parties and have gone through the file.

Learned counsel for the petitioner is unable to dispute that possession of the demised premises has since been handed over to the respondent – landlady. Furthermore, a perusal of the file reveals that relationship of landlord and tenant stands proved. Petitioner – Raj Kumar while appearing as RW1 has not denied the fact that the shop in question is an integral part of the house/main building purchased by the landlady. It is further admitted by the petitioner in his cross examination that the landlady was residing in tenanted premises paying rent of Rs. 2500/ per month. It is a matter of record that through sale deed (Ex.P2) the respondent – landlady purchased the entire premises from its original owner Mohan Lal. It is rightly held by the learned courts below that the respondent became the landlady of the premises qua the present petitioner after purchase of the said property from Mohan Lal from whom the petitioner admittedly took the premises on rent. Moreover, the building being unfit and unsafe for human habitation has been duly proved on record. As per report Ex.PW2/A by Architect Irvandeep Singh roof of the shop is damaged and remaining portion is also reported to be in a poor condition. It is specifically mentioned in the report that roof of both the rooms is sagging and as there is no maintenance, damage in the building is likely to increase which may collapse. Photographs Exs. PW2/B to PW2/L as mentioned in the judgments reveal the condition of the premises. There is no evidence led by the present petitioner to the contrary. Case set up by the landlady was that she required the premises for her own use besides use and occupation of her husband,

who was doing a job of painter but not fetching good income. The landlady and her husband intended to open a grocery (kiriyana) store to earn their livelihood. There is indeed no evidence on record to doubt the personal bonafide necessity of the landlady.

Learned counsel for the petitioner is unable to point out any illegality and infirmity in the impugned order 15.03.2017 passed by the learned Rent Controller, Jalandhar as well as order dated 15.09.2017 passed by the learned Appellate authority, Jalandhar which calls for any interference in exercise of revisional jurisdiction by this Court.

Present petition is, accordingly, dismissed.

December 19, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No