

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CR No.1961 of 2017 (O&M)

Date of decision: 24.07.2018

Satwinder Singh @ Laddy

..... Petitioner

Versus

Usha Rani and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Simranjeet Singh Sidhu, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Tenant-petitioner is in the revision petition against the concurrent finding of fact arrived at by the Rent Controller affirmed by the Appellate Authority while ordering eviction of the petitioner-tenant from the premises in dispute.

Learned counsel for the petitioner had filed an application before the Appellate Authority under Order 41 Rule 27, CPC seeking permission to adduce additional evidence. In the application, it has been pleaded that respondent No.2 along with his brother is owner of another property. The Appellate Authority dismissed the application. While issuing notice of motion by this Court, the petitioner had contended as under:-

“Counsel for the petitioner submits that there was concealment on the part of the respondents in as much as the requirement was

for Surinder Kumar-respondent No.2, the son of the landlady. An application under Order 41 Rule 27 CPC was filed before the Appellate Authority for bring on record the fact that there was ownership of the said respondent No.2 along with his brother-Narinder Kumar, of a shop on Daresi Road, near Ved Mandir, Ludhiana, wherein also, both the brothers along with their father were running the business under the name and style of Vigson Digital Studio. It is further pointed out that the Appellate Authority was not justified in holding that the ownership is of Surinder Kumar, for whom the premises were required and not of the respondent No.2. It is, thus, submitted that in spite of the concealment, the Appellate Authority has upheld the eviction order.

Notice of motion for 27.04.2017.

Mr. Sehgal accepts notice on behalf of the respondents.

Caveat discharged.

In the meantime, dispossession of the petitioner shall remain stayed, subject to his clearing the arrears of rent by 30.04.2017. The petitioner shall continue paying the future rent by 7th day of each month.

Lower Court record be requisitioned.”

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed and the records of the Courts below.

The attention of learned counsel was drawn to the provision of Section 13 of the East Punjab Urban Rent Restriction Act, 1949 which provide that the landlord should not be occupying any other building in the urban area concerned. Learned counsel fairly stated that there is no evidence to that effect nor the application under Order 41 Rule 27 makes a reference to any premises which is in occupation of the landlord in the concerned urban area.

In view thereof, there is no ground to interfere with the orders

passed by the Courts below.

Revision petition is dismissed.

CM-10244-CII-2018

In view of the judgment passed by this Court, counsel for the respondents prays for permission to withdraw the application.

24.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No