

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3214 of 2012 (O&M)
Date of Order: 14.08.2018

Ravinder Singh

..Petitioner

Versus

Guru Teg Bahadur Road Lines

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Varun Jain, Advocate,
for the petitioner.

Mr. S.S.Behl, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Landlord-petitioner is in the revision petition against the order passed by the learned Appellate Authority, reversing the order of eviction passed by the learned Rent Controller on the ground that the premises is being used for a purpose other than that for which it was leased out.

Learned Rent Controller merely by noticing that initially the tenant was doing transport business and has now opened a Public Call Office (PCO) and a shop for sale and repair of inverters and auto parts, ordered eviction.

Learned Appellate Authority after finding that the premises was leased out for commercial purpose and premises is being used for the same, reversed the findings.

Learned counsel for the petitioner-landlord submitted that once it is proved that initially the business being carried out was transport and

subsequently it changed therefore, requirements of the act are fulfilled. However, when learned counsel for the petitioner was called upon to prove that the premises was let out for transport business, he admitted that premises was let out by his grand father and there is no rent note or lease deed.

In absence of any unimpeachable evidence, it is not possible for the court to conclude as to for which purpose premises in question was leased out.

Learned Appellate Authority has recorded a findings of fact on appreciation of evidence that it was let out for commercial purpose. Learned Appellate Authority has also relied upon a judgment passed by the Hon'ble Supreme court in the case of **Mohan Lal vs. Jai Bhagwan, AIR 1988, SC 1034**, to return a finding that mere change in the nature of business does not amount to changing the purpose as used in the statute.

In view thereof, there is no scope for interference.

The revision petition is dismissed.

August 14, 2018
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(ANIL KSHETARPAL)
JUDGE

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