

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

Civil Revision No. 3080 of 2018 (O&M)

Date of decision:- 09.05.2018

Parvesh Sharma

.. Petitioner

vs.

Satya and anr.

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

The petitioner-landlady has filed the present revision petition impugning the orders of the learned Courts below whereby the eviction petition filed by the petitioner under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for ejectment of the respondents-tenants from the demised premises i.e. two shops forming part of property E-17/830 situated at Sewa Nagar, Urban 109, Supplementary Scheme of Khalsa College, new Guru Nanak Wara, Tehsil and District Amritsar has been dismissed.

The property was initially owned by Avinash Sharma wife of Krishan Kumar, who was the mother of the petitioner. It was claimed that the petitioner purchased the entire property from her mother for a valuable consideration vide sale deed dated 16.03.2015. Shiv Raj was inducted as tenant by Avinash Sharma in the year 2004. After the death of Shiv Raj the tenancy was inherited by his widow and son (respondents No.1 and 2 respectively).

The eviction of the respondents was sought by the petitioner on the ground of bonafide necessity for her own use as well as for the use and occupation of her husband Darshan Lal Sharma. It was pleaded that the husband of the petitioner was doing the business of spare parts of Tractors

at Ambala. However, the business was not going well and also as there was no scope for increase of the business at Ambala, the petitioner and her husband had decided to shift to Amritsar where they would start their business in the tenanted shops. It was pleaded that there were four shops in the property besides three rooms, two kitchens and a varandah. Two shops were in the possession of the respondents, third shop was in the possession of one Lakhwinder Singh, who was working under the name and style of FastWay Cable and the fourth shop was in possession of Gulshan, who was running a barber shop. One room and a kitchen were in the possession of Vicky and another room was in the possession of one Mr. Hari and the third one alongwith kitchen was in the possession of Smt. Girza. The varandah was being used commonly by all the three tenants i.e. Vicky, Hari and Smt. Girja. It was pleaded that the petitioner required the entire property for the use and occupation of her husband and family members. It was specifically pleaded that separate rent petitions would be filed against the other tenants.

Learned Rent Controller dismissed the eviction petition holding that the bonafide need of the petitioner had not been proved. It was also noted that though it has been pleaded that the entire property was required for the use and occupation of the petitioner and eviction petitions for ejectment of other tenants would be filed but other than the present ejectment petition, no other ejectment petition had been filed. It was also noted by learned Rent Controller that the property which was earlier owned by Smt. Avinash Sharma, mother of the petitioner was transferred to her on 16.03.2015 and the eviction petition was filed on 28.04.2015 i.e. immediately after the transfer which casts a doubt on the plea of bonafide need of the petitioner. Secondly, Avinash Sharma, mother of the petitioner,

in her cross-examination had admitted that the respondents had been asked to enhance the rent of the premises in question a number of times but as they did not enhance the rent, the present eviction petition was filed.

Darshan Lal Sharma, the husband of the petitioner, whose need was projected as the reasons for the eviction of the respondents from the premises in question, did not step into the witness box. It was, thus, held by learned Rent Controller that the petitioner had not been able to establish her bonafide need.

Learned Appellate Authority has affirmed the findings of learned Rent Controller.

The findings of both the learned Courts below are as per the evidence on record.

Accordingly, there is no merit in the revision petition and the same is dismissed.

(Harinder Singh Sidhu)
Judge

09.05.2018
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Whether speaking/reasoned Yes/No
Whether Reportable: Yes/No