

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No. 3490 of 2018 (O&M)

Date of decision : 18.08.2018

Sudhir Kumar Mittal

....Petitioner

V/s

Oudh Narain Pathak

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sumeet Mahajan, Sr. Advocate with
Ms. Ramneeq Kaur Jawanda, Advocate for the petitioner.

RAJAN GUPTA J.

Present revision petition is directed against the order passed by Rent Controller and appellate authority whereby eviction of the petitioner from demised premises has been ordered. Learned counsel for the petitioner has assailed the orders. He submits that Rent Controller has gravely erred while passing the ejectment order. According to him, same is totally unsustainable.

I have heard learned counsel for the petitioner.

Respondent-landlord filed ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act (hereinafter referred to as 'Act') against the tenant-petitioner on the ground of non-payment of rent w.e.f. 01.10.2000 to September 2001 @ ₹1800/- per month, from October 2001 to September 2004 @ ₹1950/- per month, from October 2004 till the date of filing the petition @ ₹2100/- per month besides the house tax for the year 2006-07 and 2007-08 and change of use. It has been averred that shop

in dispute was let out to petitioner by Gopi Chand. Thereafter, said shop was purchased by respondent - Oudh Narain Pathak and thus, stepped into his shoes as the landlord. According to landlord, tenant-petitioner had shifted his business to the newly purchased shop and used the shop in dispute as store and thus, diminished the use and value of it. The tenant resisted the eviction petition by controverting the averments made by the landlord. The Rent Controller vide its judgment accepted the ejectment petition of the landlord and ordered the eviction of tenant-petitioner. However, tenant challenged the order before the appellate court but remained unsuccessful. I find no infirmity with the order passed by the courts below. It is evident that petitioner was inducted as a tenant in the shop in question situated in Patiala Gate, Bazar Sangrur. The shop in question was let out to petitioner for using the same for sale of electricity goods. However, petitioner after purchase of new shop started using the demised premises as store and as such diminished the value and utility of it.. On the ground of non-payment of rent and change of user from shop to godown, respondent filed eviction petition. Before the trial court, landlord led evidence to show that petitioner-tenant was pursuing his partnership business of sale of electric goods in the new shop in the name of Mannu Electrical Company which was situated opposite to the demised premises. After the purchase of new shop, there was drastic reduction in the consumption of electricity in the demised premises which shows that same has been used as a godown. Tenant has failed to produce any evidence with regard to extreme fall of consumption of electricity in the demised premises. Sufficient evidence has been led by the landlord to show that petitioner was not using the demised premises as a shop but the same has been used

as a godown for dumping the electrical goods. Thus, no interference in revisional jurisdiction is called for. Dismissed.

As the main petition has been dismissed on merit, no order needs to be passed in the accompanying application.

August 18, 2018
Ajay

(RAJAN GUPTA)
JUDGE

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