

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

**CR No.4026 of 2015 (O&M)
Date of Decision:27.09.2018**

Vijay Kumar Sethi

...Petitioner

Versus

Vishav Bandhu Bhatia

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Lalit Kumar Gupta, Advocate for the petitioner.
Mr.Suryakant Gautam, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant petitioner is in the revision petition against the order of eviction passed by the learned Rent Controller, affirmed in the appeal by the learned Appellate Authority.

The eviction was sought on two grounds, i.e. (i) non payment of rent and (ii) for bonafide requirement of the landlord and his wife. It is pleaded case of the landlord that he has retired from Haryana State Electricity Board, whereas his wife has retired from Government Service. Children have shifted to United States of America and since they do not have any work there, they wish to open a shop, which is part of their residence.

The petition was contested.

Both the courts, after considering the evidence available on the file, have decreed the suit.

Learned counsel for the petitioner, while drawing attention of the Court to the statement of the landlord, has submitted that the landlord has become a Green Card holder and therefore, he is required to stay in

United States of America for six months in a year. He submitted that in such circumstances, the bonafide requirement is not genuine.

This Court has considered the submissions.

Learned counsel for the petitioner is trying to read one line in isolation from the entire statement. The landlord has specifically stated regarding his stay that this procedure would continue only for 2-3 years and once he becomes citizen of United States of America, he would stay in India also. Still further, the requirement as pleaded in the petition is not only of landlord himself but also of his wife. There is no evidence that wife has also become Green Card holder or has shifted to United States of America. Rather evidence has come on record that wife of the landlord has not even applied for Green Card.

In view of the above, there is no ground to interfere. The present revision petition is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

27.09.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No