

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

CR No.4377 of 2016 (O&M)

Date of decision : 22.10.2018

Mahabir Parshad Aggarwal

...Petitioner

Versus

Narender Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. M.K. Mittal, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed this revision petition against the concurrent findings of fact arrived at by the Rent Controller affirmed by the Appellate Authority ordering his eviction on the ground of bona fide requirement of the landlord-respondent.

In the present case, landlord claims that the property in question alongwith other property had come to his share in a family settlement which was arrived at on the occasion of Deepawali in the year 2000.

The tenant disputes the genuineness of the aforesaid family settlement and has also filed an application for additional evidence.

It may be significant to note here that pursuant to the aforesaid family settlement, separate portions were entered in the municipal records in the name of each family member. The petitioner-tenant while filing the written statement admits that he has been paying the rent to the respondent-landlord for the last 9 years. The landlord-respondent pleads his bona fide requirement on the ground that he is occupying, at present a shop which has come to the share of another brother namely Kamal Kant and, therefore, he bona fidely

requires the premises.

No doubt, the tenant has tried to project before the Court that there was no family settlement as alleged affidavit dated 15.02.2001 allegedly executed by the father of the landlord is forged document as he has died on 16.11.2000, however, taking into consideration three factors namely tenant-petitioner admits that he is paying the rent to the respondent-landlord for the last 9 years, secondly, in the municipal record effect of family settlement was incorporated in the year 2000-01 and thirdly, there is concurrent finding upholding the family settlement, this Court does not find any good ground to interfere in the revisional jurisdiction.

In view of the above, the present revision petition is dismissed.

By way of an application for additional evidence, the petitioner has produced a lay out plan alongwith affidavit of the tenant to prove that some portion of the first floor of the building in question is in possession of other brother i.e. Kamal Kant.

In the considered view of this Court, this would not improve the the case of the petitioner because the family members have chosen to resolve the dispute in a particular manner and the tenant has no right to challenge the same.

In view thereof, application for additional evidence bearing CM No.14620-CII of 2016 is also dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

22.10.2018

Pawan

(ANIL KSHETARPAL)
JUDGE

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