

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4815 of 2018 (O&M)
Date of Order: 31.07.2018

Joginder Choudhary

..Petitioner

Versus

Avtar Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagjit Singh, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Tenant-petitioner is in revision petition against the order passed by the learned appellate authority ordering his eviction on the ground of bonafide personal requirement of the landlord.

Respondent-landlord pleaded that previously he was running a business of furniture shop but later on his elder son Manjit Singh joined and he has taken over the entire business and relationship between the respondent-landlord and his son Manjit Singh are not good, therefore, he pleaded that he requires the shop in question for his personal use and occupation as he has two unmarried daughters and one small son to take care. He further pleaded that he wants to open a Kiryana Shop (general merchandise). The Rent Controller dismissed the petition, however appellate authority reversed the order.

Learned counsel for the petitioner while referring to the findings of the Rent Controller in para 10, has contended that the respondent-landlord is owner of three shops and even if one shop is

occupied by the son, still one is vacant. However, first appellate court after re-appreciation of evidence has found that such conclusion drawn by the Rent Controller is against the record and is based upon assumption only.

Learned counsel for the petitioner vehemently argued that a shop is available with the respondent-landlord as he is owner of three shops. Learned counsel for the petitioner has read over the statement of the landlord Avtar Singh. He has specifically stated that furniture business is being run in two shops which are in occupation of the son who is having strained relation with landlord.

In view of the aforesaid statement, learned Rent Controller was incorrect in recording a finding that one shop is available. There are total three shop, out of which two are occupied for furniture business and third one is occupied by the tenant-petitioner. In such circumstances, the bonafide requirement of the landlord is proved. Still further tenant has not produced any evidence to rebut the pleadings of the landlord that he does have strained relation with his son and he was not being permitted to run the business from the furniture shops.

In view thereof, there is no scope for interference.

The revision petition is dismissed.

July 31, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No