

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

CR No.5219 of 2017 (O&M)
Date of decision : 14.09.2018

Ashwani Kumar

...Petitioner

Versus

Kuldip Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the order passed by the Rent Controller ordering his eviction, confirmed in appeal by the learned Appellate Authority.

No doubt, while admitting the petition, it was ordered that the Office is to list the revision petition after opening of summer vacation in 2019. However, thereafter it was brought to the notice of this Court that number of petitions are being admitted on the similar grounds. Once, this fact has come to this Court, Hon'ble the Chief Justice was requested to list all the cases together. Pursuant thereto on 07.09.2018, the present revision petition was listed when it was adjourned on the request of counsel for the petitioner. The connected petitions have already been decided by this Court. However, learned counsel for the petitioner pointed out that some of the petitions are pending. It may be noted that the questions which have been

framed have already been answered by this Court while deciding CR No.5722 of 2018 titled as Navyug Goods Carrier Vs. Manpreet Singh and another.

This Court has heard the learned counsel for the petitioner at length.

The landlord who is residing abroad is seeking eviction from a shop occupied by the tenant on the ground that he wishes to shift his family from village to city for better education of the children and the wife who is already a trained beautician and wants to open a beauty parlour in the premises in question. The wife namely Neelam Rani had appeared in the evidence and supported the petition.

Learned counsel for the petitioner submitted that during cross-examination, she has admitted that her affidavit in examination-in-chief was drafted by the counsel and she does not know what is written therein. On this basis, learned counsel submits that the evidence of Neelam Rani cannot be taken into consideration.

This Court has considered the submission. However, finds no substance therein. An opportunity was given to the tenant to cross-examine Neelam Rani. The evidence of Neelam Rani could not be shaken by learned counsel for the tenant even after the lengthy cross-examination. She has withstood the cross-examination and has proved her bona fide requirement of the premises.

Learned counsel further pointed out that although in the petition, the landlord had pleaded that he has taken separate accommodation for residence of the children but Neelam Rani has admitted that she is still

residing in the village. It may be noted that the petition was filed on 20.11.2012 hoping that the petitions would be decided within a short time. In the considered view of this Court, on such small error, bona fide requirement of the landlord cannot be doubted. Every father has a dream to provide better education to his children. If in the present case, the landlord wishes that his family should shift to the city from the village and wife also opens and starts her business, the Courts in such circumstances should not delay the decision of the case.

In view thereof, there is no ground to interfere.

Revision petition is dismissed.

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

14.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No