

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CR No.634 of 2011 (O&M)

Date of decision: 12.09.2018

Sant Kumar

..... Petitioner

Versus

Indira and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. K.R. Dhawan, Advocate
for the petitioner.

Mr. K.S. Sidhu, Sr. Advocate with
Mr. Dushyant, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Landlord-petitioner is in the revision petition against the order passed by the learned Appellate Authority reversing the judgment of the learned Rent Controller, consequently, dismissing his eviction petition.

The petitioner had filed a petition seeking eviction of the tenants from first floor of house No.3234, Sector 27-D, Chandigarh. The tenants disputed the bona fide necessity of the landlord and contested the petition. During the pendency of the eviction proceedings, when the landlord appeared in evidence, he was confronted with the fact that he and his family members have purchased three properties. One is house No.560, Sector 20-A, Chandigarh built in six marlas plot vide sale deed dated 08.07.2005. Another property was purchased i.e. 50% share in house No.1264, Sector -18, Chandigarh. Apart from this, son of the petitioner

also purchased 10 marla house in Sector-37, Chandigarh. All these three properties which had been purchased by the landlord or his family members were confronted when the landlord appeared in evidence. It will be noted that the landlord filed an affidavit in evidence on 08.06.2007 but concealed from the Court that other residential properties have been purchased by him. When during cross-examination, the landlord was confronted with the aforesaid facts, he could not explain that the aforesaid properties are either not suitable or do not fulfill his bona fide requirement. Still further, he admits that his son Hari Krishan lives with him in house No.1092, Sector-7, Panchkula. Thus, the properties which have been purchased by the petitioner in his own name, in the name of his wife and the son are purchased by the family. Since the petitioner failed to disclose these facts in the affidavit, therefore, this Court does not find any ground to interfere with the findings of fact arrived at by the learned Appellate Authority.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Revision petition is dismissed.

12.09.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No