

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

551

**CR No.738 of 2010 (O&M)
Date of Decision : 15.11.2018**

Raj Kumar and another

..... Petitioners

Versus

Jagtar Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Anil Chawla, Advocate
for the petitioners.

Mr. V.K.Sandhir, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This petition has been filed against the concurrent judgments of the Courts below allowing an eviction petition filed by Fauja Singh. Fauja Singh had claimed that he was the owner of five shops. Out of them two were in the possession of one tenant, one was in the possession of one grand son; one was in the possession of his son and daughter-in-law and he required the one in dispute to start business with his other grand sons.

The case of the petitioners on the other hand was that actually the shop which was stated to be with the son and daughter-in-law was lying vacant because his son was doing business on the first floor and the wife was a house hold lady.

Both the Courts below held that even the petitioners themselves had admitted that the son and daughter-in-law had installed a Photostat machine and PCO in the shop and consequently negated the argument that that shop was vacant and allowed the petition and that is how the present revision petition has been filed.

Learned counsel for the petitioners has vehemently argued that there were discrepancies in the statement of the landlord and his witnesses and this clearly showed that the need which was projected was not *bona-fide*. He has taken me through the testimony of the landlord, his son and his grand sons. I find that there are small and minor inconsistencies in the statements. For instance, one grand son says that the grand father is still working but the grand father states that he is too old to work. In my opinion, such minor inconsistencies will not erode the case of the respondent. Both the Courts below have rightly allowed the eviction.

Consequently, the petition stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

15.11.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No