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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-6148-2018 (O&M)
Date of Decision: 20.11.2018

Vinod Kumar

..... Petitioner

Versus

Renu Chopra and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the judgment dated 05.02.2018, passed by the Ld. Rent Controller, Ludhiana, in RA/34734/2013, and the subsequent judgment dated 09.08.2018 of the Appellate Authority, Ludhiana, in Rent Appeal No.05 of 2018.

2. The petitioner happens to be a tenant under the respondents in respect of a shop which is being run as a Medical Hall in property bearing MC No.B-23-2180 on Plot No.413, Industrial Area-A, in Ludhiana. He admittedly was a tenant under one Lachman Singh. Respondent No.1 is alleged to have purchased the properties including present one in the year 2010 from the said Lachman Singh and thereafter filed the eviction petition against the petitioner and certain other tenants on certain grounds, such as default in payment of rent, and *bona fide* requirement of the premises for

her personal use and occupation.

3. The petitioner initially denied any landlord-tenant relationship between himself and respondent No.1-Renu Chopra and claimed that he was a tenant under Lachman Singh only to whom also he kept on paying the rent. Consequently, the Rent Controller did not pass any order fixing a provisional rent in view of the denial of the landlord-tenant relationship by the petitioner. Subsequently, however, he was found to be a tenant under respondent No.1 after the requisite Title documents in the form of Sale Deed of the erstwhile owner. He was, therefore, held to be liable for eviction for having defaulted in payment of rent as alleged.

4. In addition, the respondent No.1's claim for *bona fide* requirement of the demised premises for personal use and occupation for starting her own Garments manufacturing business in the premises was also found to be correct by the Ld. Rent Controller. His appeal against the impugned judgment of eviction against the petitioner was, thereafter, also dismissed by the Ld. Appellate Authority.

5. It has been submitted on his behalf that during pendency of the appeal, he had deposited all the arrears of rent.

6. Be that as it may, the subsequent payment of rent, after the petitioner's eviction on the ground of default had already been ordered by the Rent Controller, is not helpful to him any longer, in view of the settled position of law in “**Rajan @ Raj Kumar Vs. Rakesh Kumar**”, **2010(2) PLR 201**. The Ld. Appellate Authority was, therefore, correct in its decision on this point and had thus observed:

“That order has assumed finality. So, when the respondent/appellant has intentionally denied the

relationship of landlord and tenant, findings recorded by the learned Rent Controller are perfectly legal and justified and does not warrant any interference.”

7. In this view of the matter, eviction of the petitioner from the demised premises in any case becomes a certainty, and his submissions regarding the alleged impropriety in the findings of both the Ld. Courts below regarding the question of the respondent having failed to discharge her burden of *bona fide* personal requirement of the premises gets reduced to a mere academic exercise.

8. Nevertheless the submissions advanced on behalf of the petitioner even on this aspect are not convincing. Ld. Counsel for the petitioner has sought to argue that the respondent had admittedly purchased the properties including the demised shop after the death of her husband on 06.09.2009, when she was ordinarily a resident of Delhi. This would tend to indicate that her claim of requiring the premises for personal use and occupation for her own Garments manufacturing business was not true.

9. This Court is, however, not convinced with such rationale. The fact of the matter is that admittedly respondent No.1 was residing with her husband and minor daughter in Delhi. It is, but natural that after the death of her husband, she would feel much more secure in coming back to her ancestral place in Ludhiana, and get engaged in gainful business along with other members of her parental family, including her brothers, more particularly since the purchase of the property was made by respondent No.2-Sh. Lekhraj Arora, who happens to be her own father.

10. For the aforesaid reasons, this Court finds no substantive merit in this revision, which is accordingly dismissed. The petitioner is, however,

granted time for three months from today to quit the demised premises and to deliver its vacant possession peacefully to the respondents, failing which the pending execution against him shall again proceed in accordance with law. Such execution proceedings are ordered to be stayed for a period of three months from today and this restraint order shall automatically lapse on 19.02.2019.

20.11.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No