

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 19.12.2018

CR-8003-2018 (O&M)

Rajender Kumar Saini

....Petitioner

vs.

M.M.V. Samiti (Regd.) Kaithal through its Vice President

....Respondent

CR-8004-2018 (O&M)

Mukesh

....Petitioner

vs.

M.M.V.Samiti (Regd.) Kaithal through its Vice President

Respondent

CR-8005-2018 (O&M)

Satpal

....Petitioner

vs.

M.M.V. Samiti (Regd.) Kaithal through its Vice President

....Respondent

CR-8006-2018 (O&M)

Chanderpati and another

....Petitioners

vs.

M.M.V.Samiti (Regd.) Kaithal through its Vice President
Respondent

CR-8007-2018 (O&M)

Ashok Kumar

....Petitioner

vs.

M.M.V.Samiti (Regd.) Kaithal through its Vice President

Respondent

CR-8008-2018 (O&M)

Naresh Kumar

....Petitioner

vs.

M.M.V. Samiti (Regd.) Kaithal through its Vice President

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Arun Jain, Senior Advocate with
Mr. Abhishek Dhull, Advocate
for the petitioner(s).

AJAY TEWARI, J. (Oral)

I find that actually on 17.12.2018 this case was adjourned to 19.12.2018 but inadvertently the adjourned date was wrongly typed as 19.1.2019 instead of 19.12.2018. Therefore, it is clarified that in the order 17.12.2018 the adjourned date be read as 19.12.2018 and not 19.1.2019.

This order shall dispose of the aforesaid civil revisions as common questions of law and facts are involved there in.

These six petitions have been filed against the eviction from six shops owned by the respondent. The case of the respondent was that it was running a college and required the six shops under the tenancy of the petitioners to extend the facilities in the college like classrooms and laboratories. It was mentioned that when college was started there were 200 students and now about 3000 students are studying there and that is why requirement had arisen to get these shops vacated.

The case of the petitioners was that respondent did not require the shops. Both the Courts having allowed the eviction the tenants are in revision.

Learned Senior counsel has pointed out that the Vice President of the college when appeared in testimony had admitted that they had not even got any plan sanctioned for the future remodeling of the disputed shops for constructing class rooms and laboratories etc. He has further pointed out that that witness did not even disclose how much vacant land the college had. He has further pointed that respondent did not even exhibit any site plan. On the basis of this evidence, learned Senior counsel has argued that it is clear that respondent has only exhibited a whim for getting the disputed shops vacated. As per him if these six shops in occupation of the petitioner were actually required for making classrooms and laboratories the least which the college would have done would be to get the plan sanctioned. As per him, even otherwise these shops are on the main Kaithal-Karnal road and it is not good to have classrooms/ laboratories on the road because there is a lot of traffic.

In my considered opinion, these arguments cannot succeed. Merely because the respondent has not yet got the plan sanctioned cannot be taken to mean that its requirement is not bona fide. Whether the college has 5 acres or 10 acres of vacant land is also neither here nor there. Had it been the case of the petitioner that there was vacant constructed building something may have been said but he cannot force the landlord to make a construction to start a new facility. The fact that shops abut the main road is also no ground to come to the conclusion that laboratories/classrooms cannot be constructed there.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Courts below are either based on no evidence or on

such perverse misreading of the evidence so as to justify interference of this Court in revisions.

Consequently, all the revisions stand dismissed.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

19.12.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No