

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

CR No.8780 of 2015 (O&M)

Date of decision : 27.08.2018

Tirath Ram

...Petitioner

Versus

Harminder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Namit Gautam, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the order of eviction passed by the Rent Controller affirmed in appeal.

The respondent-landlady claimed that she has three daughters and one son and the present property is required for settling the grandson namely Gurvinder Singh who is unemployed.

Gurvinder Singh has appeared in the evidence and reiterated the aforesaid facts. He has further stated that he has no other premises and has not vacated any premises without any sufficient cause in the urban area concerned. Landlady has also appeared and reiterated these facts.

Learned counsel for the petitioner has submitted that as per Section 13 of the East Punjab Urban Rent Restriction Act, 1949, the landlord is required to plead three facts:-

1. Bona fide requirement.
2. He or she is not occupying any other suitable building in the urban area concerned.
3. He or she has not vacated such premises without sufficient cause.

He submitted that since necessary ingredients have not been

pleaded, therefore, the petition was not maintainable.

Learned counsel for the petitioner was pointedly asked whether the tenant-petitioner has raised such objection in the written statement, he admitted that such objection was not raised.

Once, the tenant-petitioner failed to object at appropriate time which would have enable the landlord to amend the petition, this Court is of the considered view that such objection cannot be permitted to be raised at this stage now.

Still further, as noticed, landlady as well as her grandson has appeared in the witness-box. Both have been cross-examined by the counsel representing the tenant. From the reading of the statement of both the witnesses, it is not established that landlady or her grandson for whose requirement the premises is sought, are occupying any other building or have vacated any such building without sufficient cause

This Court while deciding CR No.3714 of 2010, Sham Lal Vs. Asha Rani and others, decided on 08.08.2018 has already examined this issue in detail and have found that failure of the tenant to take objection at the appropriate time would debar the tenant from subsequently disputing the maintainability of the petition at later stage.

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.

27.08.2018

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No