

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 921 of 2018

Date of Decision : 02.04.2018

Gajinder Kumar Hari

....Petitioner

Versus

Neelam Sabharwal

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Surinder Gupta, J.

This is revision petition against order dated 08.02.2016 passed by learned Rent Controller, Jalandhar whereby revision-petitioner was directed to vacate and hand over vacant possession of the disputed shop to respondent. Appeal filed by revision-petitioner was also dismissed.

2. Learned counsel for the petitioner has argued that respondent-landlord has projected his personal *bona fide* necessity to open a departmental store in the demised premises by her husband. Though, in evidence it has been stated that her husband does not own or possess any commercial property in the urban area of Jalandhar but this fact was not pleaded. He has further argued that the suit property was earlier owned by Melo Devi. After her death it was inherited by Subhash Kumar and Tilak Raj. Revision-petitioner has taken the shop on rent in the year 1990 from Melo Devi and after her death Subhash Kumar and Tilak Raj became his landlord. The respondent claimed to have purchased the suit property from Subhash Kumar and Tilak Raj but the

revision-petitioner has not admitted her to be his landlord. Despite this pleading, learned Rent Controller has not framed any issue as to whether their exists relationship of landlord and tenant between the parties.

3. On perusal of paper-book and order passed by learned Rent Controller, I find that revision-petitioner has raised the issue of relationship of landlord and tenant between the parties but the same does not arise in this case. This fact is not disputed that the respondent has purchased the suit property vide sale deed dated 29.02.2012 from its erstwhile owner. Revision-petitioner has alleged that in the event of sale in favour of respondent is proved in that case by operation of law he has become tenant under her at the monthly rent of ₹400/-. Above pleading of revision-petitioner shows that relationship of landlord and tenant between parties is admitted as sale of demised premises in favour of respondent is duly proved. The respondent while appearing as PW-1 has specifically stated that she or her husband does not own or possess any other commercial property in the urban area of Jalandhar or have vacated the same without any reasonable or sufficient cause. Learned counsel for revision-petitioner has not pointed out any evidence produced on record that any such property is owned or possessed by the respondent or her husband. From the evidence on record, this fact is duly proved that the respondent does not own or possess any commercial property in the urban area of Jalandhar and the findings of learned Rent Controller and Appellate Authority to this effect suffer from no *lacuna* on this score.

4. No other point has been raised by learned counsel for the petitioner. On perusal of orders passed by learned Rent Controller and

Appellate Authority, I find no legal or factual infirmity therein calling for any interference in this revision petition, which has no merit.

Dismissed.

April 02, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No