

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Revision No. 2317 of 2018(O&M)

Date of Decision: September 12 , 2019.

Sanjeev Kumar

..... PETITIONER (s)

Versus

Shree Chattarbhuji Leelawati Trust (Regd.)

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kamal Mor, Advocate for
Mr. Partap Singh, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This petition has been filed challenging judgments dated 08.07.2015 and 05.01.2018 passed by the learned Rent Controller, Panipat and the learned Appellate Authority, Panipat, respectively, whereby ejection of the petitioner-tenant from the demised premises has been ordered.

Brief facts necessary for the adjudication of the case are that, a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (for short, the 'Act') was filed by the respondent-landlord seeking eviction of the present petitioner from the demised premises, where he is

allegedly running a tea stall. It is pleaded that the respondent-landlord let out the premises in question on rent to the petitioner at the rate of ₹280/- per month. The premises is located at the railway road and is a part of a charitable hospital, which is being run by the respondent-Trust. A new hospital has been constructed and there is every possibility of increase in the number of patients in the said hospital. It is further pleaded that the premises are required for widening of the passage for free ingress and egress of the patients. It is further stated that the petitioner is a willful defaulter and is in arrears of rent w.e.f. 01.02.2013 till the filing of the petition. The petitioner, it is stated, had placed his goods/articles outside the shop, which caused hindrance to the patients visiting the hospital. Petition was resisted by the present petitioner. Relationship of landlord and tenant between the parties is duly admitted. It is specifically admitted that the petitioner is a tenant in the said premises on payment of rent @ ₹280/- per month. Running of a child and maternity hospital by the respondent-Trust is also admitted. It is however denied that the petitioner was in arrears of rent.

Learned Rent Controller, Panipat on considering the facts and evidence on record, ordered ejectment of the petitioner from the demised premises on the ground of personal necessity of the landlord, inasmuch as the premises were held to be required by the respondent-Trust for widening of the passage for providing free ingress and egress to the patients of the hospital. Appeal filed by the present petitioner was also dismissed by the learned learned Appellate Authority, Panipat vide judgment dated 05.01.2018.

Aggrieved therefrom, the present revision petition has been filed.

Learned counsel for the petitioner vehemently argues that both the

impugned judgments deserve to be set aside as the respondent-landlord is not proved to be owner of the premises in litigation which culminated in decision dated 11.12.2013 in RSA No.651 of 1986 (Haryana State through Deputy Commissioner, Karnal and others v. Shri Chattarbhuji Lilawati Trust, Railway Road, Panipat), wherein it has been held that the Trust has no right to the property in question. It is submitted that the respondent-Trust had filed a suit for declaration in respect to the title of various properties, including the demised premises. Therefore, the respondent-Trust has no title to the property and thus, the petition seeking ejectment of the petitioner is not maintainable. It is further submitted that the existing road is 11ft. wide, which is sufficient for the ingress and egress of the patients. There is no need for widening of the passage in any manner. It is thus prayed that this revision petition be allowed and impugned judgments be set aside.

I have heard learned counsel for the petitioner and have gone through the file.

It is to be noted that this revision petition was filed on 09.03.2018. The matter has been hanging fire since then and had been repeatedly adjourned at request of learned counsel for the petitioner. It is informed that the petitioner is still in possession of the demised premises.

Learned counsel for the petitioner is unable to deny that in the written statement filed by the petitioner, relationship of landlord and tenant between the parties is duly admitted by him. Petitioner has admitted that he is a tenant of the demised premises under the respondent-landlord at the rate of ₹280/- per month as rent. Therefore, the petitioner cannot derive any benefit,

whatsoever, from any dispute regarding the title of the property. This aspect has been duly considered by the learned appellate authority in Para 17 of the impugned judgment dated 05.01.2018.

Argument that the existing gate is sufficient for proper ingress and egress of the patients, is devoid of any merit. It is specifically noticed by the learned Rent Controller that the present petitioner has admitted that there is a possibility of increase in the number of patients at the said hospital. It is a settled position that the landlord is the best judge of his requirement. It is further an admitted position that the hospital is in place at the spot and is frequented by the general public. It is specifically stated so by the petitioner himself while testifying as RW1. It is further apparent from the record that the residential premises of the doctors and the staff are also proposed to be constructed.

Hon'ble Supreme Court in **Hindustan Petroleum Corporation Limited v. Dilbahar Singh**, (2014) 9 SCC 378 while delineating on the scope of revisional jurisdiction of the High Court, where two courts have returned concurrent findings of fact, has observed that the High Court would normally not interfere in concurrent findings of fact until and unless it is shown that there is gross misreading of evidence or ignoring of material evidence on record which renders the finding of the courts below to be perverse.

No other argument has been raised.

Learned counsel for the petitioner is unable to point out any illegality, perversity, infirmity or misreading of any evidence in the impugned judgments dated 08.07.2015 and 05.01.2018 passed by the learned Rent Controller, Panipat and the learned Appellate Authority, Panipat respectively,

which call for any interference by this Court in exercise of revisional jurisdiction.

Revision petition is accordingly dismissed with no order as to cost.

September 12 , 2019.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No