

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

**CR-2464-2017 (O&M)
Date of Decision : 26.11.2019**

Jagdish Chand

..... Petitioner

Versus

Nipun Gupta

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Naveen Sharma, Advocate
for the respondent.

RAMENDRA JAIN, J. (Oral)

Through this revision, petitioner-tenant has laid challenge to the order dated 21.02.2017 of the Appellate Authority, affirming judgment dated 04.10.2016 of the Rent Controller, whereby in a petition of the respondent under Section 13 of the East Urban Rent Restrict Act, 1949 (in short 'the Act'), he was ordered to be evicted on the ground of bonafide requirement of respondent and hand over vacant possession of the same to him within two months.

Briefly, respondent filed a claim petition under Section 13 of the Act for eviction of petitioner from the demised shop, before the Rent Controller, Ludhiana, who after due notice to him and holding trial, accepted the same vide judgment dated 04.10.2016.

Being aggrieved, the petitioner approached the Appellate Authority, but remained unsuccessful as his appeal was dismissed vide judgment dated 21.02.2017.

Learned counsel for the petitioner contends that both the authorities below failed to appreciate that eviction petition of the respondent was liable to be dismissed for concealment of material fact of having a vacant shop in his possession. Thus, the respondent was not in need of the demised shop for his bonafide requirement for tuition purpose. In cross-examination, respondent as PW1 has categorically admitted the above fact. In support of his contentions, he has placed reliance upon the judgment of this Court in **Shankar Lal vs. Madan Lal and others 2011 (1) RCR (Rent) 139; Manmohan Lal vs. Shanti Parkash Jain 2014 (2) RCR (Rent) 222; Ajit Singh and another vs. Jit Ram and another 2008 (2) RCR 329 and Pritam Singh Bakshi vs. Mrs. Sukhdev Kaur and others Vol. CLXXIII-(2014-1) 674.**

On the other hand, learned counsel for respondent-landlord, refuting the above submissions, pleaded the legality and validity of the judgments of both the courts below.

Having given thoughtful consideration to the rival submissions, this court finds the instant revision petition merits dismissal for the reasons to follow.

This Court, while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

It is well settled preposition of law that statement of a party has to be read as a whole and not in isolation. In the instant case, from the

eviction petition of respondent-landlord, it is apparent that he did not conceal anything, in-as-much as in the annexed site plan, the respondent showed his ownership over the adjacent shop towards western side of the demised shop. Thus, his admission in cross-examination that he is having a vacant shop in his possession is not a concealment, rather is in consonance with his pleadings and site plan annexed with the eviction petition. That apart, if we go through the entire statement of respondent-landlord (PW1), the only irresistible conclusion which can be drawn, is that the demised shop is required by the respondent for his vocation of tuition etc. Thus, he cannot be deprived of using his own property only because it does not suit to the petitioner.

I have gone through judgments of both the authorities below and find no illegality or perversity in the same, being completely based on appreciation of evidence on file.

The facts and circumstances of the authority, referred to above, by the learned counsel for petitioner are not identical to the facts of the present case. Therefore, the benefit of same cannot be given to the petitioner.

Dismissed.

Since, the time given to petitioner for vacation of shop has already expired, therefore, he is given one week more time from today to vacate the same, failing which he shall pay Rs.20,000/- as mense profits per month to respondent-landlord.

26.11.2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No