

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision :09.01.2019

(1) CR No. 3980 of 2015

Deep Singh

...Petitioner

V/s

Gurdev Singh & anr.

...Respondents

(2) CR No. 3981 of 2015

Rajinder Kapoor

...Petitioner

V/s

Gurdev Singh & anr.

...Respondents

(3) CR No. 3982 of 2015

Ravinder Singh

...Petitioner

V/s

Gurdev Singh & anr.

...Respondents

(4) CR No. 3983 of 2015

Panna Lal

...Petitioner

V/s

Gurdev Singh & anr.

...Respondents

(5) CR No. 3984 of 2015

Vinod Sagar

...Petitioner

V/s

Gurdev Singh & anr.

...Respondents

(6) CR No. 3985 of 2015

Jamshed @ Jamsher

...Petitioner

V/s

Gurdev Singh & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.C. Kinra, Advocate for the petitioner(s).

Ms. Sukhpreet Kaur, Advocate for the respondents.

RAJAN GUPTA J.

This order will dispose of aforesaid six revision petitions preferred by tenants against their eviction.

Gurdev Singh and Baljit Singh, co-owners/landlords filed eviction petition(s) under section 13 of the East Punjab Urban Rent Restriction Act seeking eviction of tenant(s) from the building in question situation at Nandanpur Road, Maqsudan, Jalandhar. The property was purchased by them jointly vide sale-deed dated 02.05.2013. They sought ejectment on the ground of non-payment of arrears of rent, *bona fide* need for personal use of the property as residential premises. The plea was resisted by the tenants (petitioner(s) herein) contending that respondents have their own independent house and *bona fide* need was not genuine. The property was rented out for commercial purpose and was situated in commercial area. Landlords were, thus, stopped from seeking eviction on the ground of personal necessity for residence. To resolve the dispute, the Rent Controller framed six issues including that of non-payment of rent and *bona fide* requirement for personal use. In support of his case, respondents-landlords examined three witnesses and proved documents pertaining to the title. Tenants-Petitioners themselves stepped into the witness box as RW-1 and produced the electricity bills to prove his possession and use of the premises. The Rent Controller found that there was relationship of landlords and tenants between the petitioners and respondents. Respondents had

stepped into the shoes of previous owner namely Ishwar Kaur by virtue of purchase of property vide sale-deed dated 02.05.2013. On the question of personal necessity, it found that nature of property was residential in nature. Only portion thereof has been let-out by the previous owner. However, there is nothing specific on record to show that tenancy was for non-residential purpose. It relied upon family partition exhibit PW3/1 produced by respondent no. 1 to show that property had come to his share and he wanted to construct his own house thereon after demolition of the entire building including the shops therein. The Rent Controller, thus, found that personal necessity of the landlords was *bona fide* in nature and, thus issue was decided in favour of the landlords. Tenants filed appeal before the appellate authority, Jalandhar but remained unsuccessful. Petitioners have not been able to raise any such arguments which would warrant interference in revisional jurisdiction of this court. Mere contention that one of the landlords namely Baljit Singh was in occupation of other residential house in the urban area of Jalandhar is not suffice to upset the findings of the two courts below. Petitions are therefore, dismissed.

However, in case any execution petition is filed by the respondents-landlords, they shall submit an affidavit as regards time period in which they intend to demolish the building in question and construct a new one in order to show their *bona fides*.

January 09, 2019

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No