

CR No.4128 of 2018 (O&M) 1

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

**CR No.4128 of 2018(O&M)
Date of Decision: 10.07.2019.**

Smt. Uma Kalhan

.....Petitioner

Versus

Smt. Saroj Trivedi (deceased) through LRs.

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Aditya Jain, Advocate
with Ms Bhanvi Sood, Advocate
for the petitioner.

Mr. Sunny Namdev, Advocate
for Mr. Saurabh Dalal, Advocate
for the caveators-respondents.

LISA GILL, J(Oral).

Petitioner, is aggrieved of order dated 14.03.2018, passed by the learned Appellate Authority, Faridabad, whereby appeal filed by the respondents-landlords against order dated 28.11.2016, passed by the learned Rent Controller, Faridabad, has been allowed and petition under Section 13 of the Haryana Urban (Control of Rent & Eviction), Act 1973 (for short 'Act'), has been allowed.

Brief facts necessary for the adjudication of the case are that the landlords filed a petition seeking ejectment of the petitioner-tenant on the following grounds:-

1. Non-payment of rent.
2. Personal *bona fide* necessity.
3. Change of user.
4. The tenant subsequently acquiring his own property in the same Municipal area.

Learned Rent Controller, Faridabad, noted that landlady-Smt.

Saroj Trivedi, herself died during the pendency of the petition. Personal *bona fide* requirement was of the landlady, herself. Therefore, personal *bona*

fide necessity was not proved. Learned Rent Controller, Faridabad, did not advert to any other ground and dismissed the petition.

Appeal preferred by the respondents-landlords was however allowed by the learned Appellate Authority, Faridabad *inter alia* observing that the petitioner-respondent had submitted a written assurance on 18.06.2012, Ex.P-3 that she would vacate the residential house in question on or before 30.10.2012. This undertaking is duly proved by PW-5-Pankaj Verma, who is the attesting witness to this document.

Aggrieved from the said decision, present petition has been filed.

Learned counsel for the petitioner vehemently argues that the personal *bona fide* necessity of the landlords did not exist because the original landlord-Smt. Saroj Trivedi, passed away during the pendency of the eviction petition and the personal *bona fide* necessity put-forth therein was for herself and not for her legal representatives. It is thus prayed that this petition be allowed and order dated 14.03.2018, passed by the learned Appellate Authority, Faridabad, be set aside.

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

Learned counsel for the petitioner is unable to deny that the petitioner had indeed given the written assurance, Ex.P-3, which is duly proved on record. Execution of this writing is also admitted by the petitioner in her cross-examination. It is further a matter of record that the petitioner is the owner in possession of another residential house in the same locality i.e., House No. A-223, Sanjay Colony/SGM Nagar, Opposite Sainik Colony, NIT, Faridabad. Learned Appellate Authority, Faridabad, has rightly observed that the petitioner-tenant tried to mislead the Court by taking an

CR No.4128 of 2018 (O&M) 3

illusive stand that she was not owner of any other house in NIT, Faridabad.

Furthermore, learned counsel for the petitioner is unable to deny that no rent has been paid since 2013 in this respect.

Learned counsel for the petitioner, on instructions, fairly states that possession of the demised premises was taken by the landlords last year, itself.

No other argument has been raised.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 14.03.2018, passed by the learned Appellate Authority, Faridabad, which calls for interference by this Court in exercise of revisional jurisdiction.

Petition is accordingly dismissed with no order as to cost.

10.07.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.