

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

CR No.6197 of 2018(O&M)

Date of decision: 30.5.2019

Paramjit Kaur

.....Petitioner

VERSUS

Bahadur Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Kiranjeet Kaur, Advocate for
Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

REKHA MITTAL, J.

CM No.28281-CII of 2018

Heard.

Allowed as prayed for.

Annexure A-1 to A-6 (copies of Ex.P11 to P16) are taken on
record subject to just exceptions.

Disposed of accordingly.

CM No.19967-CII of 2018

Prayer in this application is for condoning delay of 39 days in
filing the petition.

Heard.

In view of averments made in the application supported by an
affidavit of Paramjit Kaur, the petitioner, the application is allowed. Delay
of 39 days in filing the petition stands condoned.

Disposed of accordingly.

CR No.6197 of 2018

Challenge in the present petition has been directed against concurrent findings of fact recorded by the Courts whereby the petitioner/tenant has been evicted from the tenancy premises i.e. ground floor of House No.249, Shastri Colony, Ambala Road, Pehowa, detailed in para 1 of the eviction application on the grounds of non-payment of arrears of rent and tenancy premises required by the respondents/petitioners for their personal use and occupation.

Counsel for the petitioner would argue that Bahadur Singh – respondent No.1 took loan from the petitioner for sending his son Jagdeep Singh to a foreign country and in regard thereof compromise dated 06.07.2013 Ex.R2 was arrived at between the petitioner and respondents and Bahadur Singh also executed an affidavit Ex.R1. It is argued that as per the compromise and affidavit Ex.R2 and R1 respectively, the petitioner agreed to vacate the tenancy premises in case the money given for sending Jagdeep Singh abroad is paid to the petitioner. It is further argued that as the respondents failed to discharge their obligation created vide documents Ex.R1 and R2, Courts have grossly erred by ordering eviction of the petitioner on the aforesaid twin grounds.

Another submission made by counsel is that the respondents have alleged their personal necessity on the premise that they find it difficult to climb stairs and live on the first floor presently in their occupation and for that reason they need the ground floor portion (demised premises) for their use and occupation. Counsel would propose that the petitioner is ready to shift to the first floor of the house and make ground floor available for the respondents, in case they are called upon to seek their response in this regard.

I have heard counsel for the petitioner, perused the paper-book particularly the orders impugned.

The first contention raised by counsel for the petitioner is patently misconceived and liable to be rejected. The two documents relied upon by the petitioner do not refer to amount paid by the petitioner to respondents for sending Jagdeep Singh abroad, meaning thereby that the documents are vague. Even otherwise, if the petitioner had agreed to vacate the tenancy premises in case she is paid the amount given to the respondents for the aforesaid purpose, that would not create estoppel qua legal right of the respondents to seek eviction of the petitioner on one or more grounds available under Section 13 of the Haryana Urban Rent (Control and Eviction) Act, 1973. In this view of the matter, the petitioner cannot derive any advantage to her contention from the documents Ex.R1 and R2.

The petitioner being tenant in the property cannot dictate terms to the respondents as to how they can satisfy their need by using the house in a particular manner. Counsel for the petitioner has not raised a legal ground to show that concurrent findings with regard to personal necessity of the respondents suffer from material irregularity much less illegality that would call for intervention.

No other point has been raised.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine.

MAY 30, 2019

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no