

Civil Revision No.7206 of 2016

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

Civil Revision No.7206 of 2016
Date of decision: 21.11.2019

Om Parkash

.....Petitioner

versus

Krishan Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. S.K. Nehra, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision tenant has laid challenge to judgment of the Appellate Authority dated 01.08.2016, dismissing his appeal, thereby affirming order of learned Rent Controller dated 26.05.2014, whereby he was ordered to be evicted from the demised shop on the ground of *bona fide* personal necessity of respondents No.1 and 2 – landlord.

Briefly, respondents No.1 and 2 filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of the petitioner on three counts i.e. (i) personal necessity; (ii) subletting and (iii) non-payment of rent.

Learned Rent Controller after due notice to the petitioner and holding trial, accepting eviction petition, ordered eviction of the petitioner from the demised shop vide order dated 26.05.2014, directing him to handover vacant possession of the same within two months.

Being aggrieved, petitioner approached the Appellate

Civil Revision No.7206 of 2016

Authority, but remained unsuccessful as his appeal was dismissed vide judgment dated 01.08.2016.

Learned counsel for the petitioner fairly conceded that demised shop has been got vacated from the petitioner in execution of the respondents-landlord. However, he contends that the Appellate Authority without hearing learned counsel for the petitioner, disposed of the appeal on merit, which prejudiced right of the petitioner.

Having given thoughtful consideration to the above submissions, this Court finds the instant revision completely devoid of any merit and rendered infructuous for the reasons to follow.

Demised shop has already been got vacated from the petitioner in execution proceedings of respondent No.1.

Perusal of the file shows that the Appellate Authority decided appeal of the petitioner after appreciation of evidence on record led by both the sides to their satisfaction.

For ready reference, relevant para of the judgment of the Appellate Authority is reproduced hereunder: -

“Arguments have been advanced in this case on behalf of the respondent Krishan Kumar, whereas no arguments have been advanced on behalf of respondents Om Parkash and others, despite the case having been tick marked for the purpose of arguments, nor any written arguments have been placed on record, as such, the appeal is being decided after going through the evidence and pleadings on record with the able assistance of the learned counsel for the respondents (Om Parkash and others).”

Civil Revision No.7206 of 2016

From the above, it is apparent that learned counsel for the petitioner did not advance arguments on the date fixed, intentionally and deliberately to prolong the decision of the appeal. Thus, the Appellate Authority had no option, but to decide the appeal after scanning evidence of the parties.

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 the petitioner has not been able to show any such infirmities in the judgment and order of both the Authorities below.

Dismissed.

(Ramendra Jain)
Judge

November 21, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No