

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

CR No.8014 of 2015

Date of Decision : 16.12.2019

Ranbir Singh

.....Petitioner

Versus

Baldev Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Naveen Batra, Advocate
for the Petitioner.

Mr. Sharad Mehra, Advocate
for the Respondent.

SUDIP AHLUWALIA, J. (ORAL)

Notice of motion in this matter was issued on 21st December, 2015, in the light of a submission made on behalf of the Petitioner/Tenant that the Respondent/Landlord had, during pendency of the Eviction Petition, itself let out another Shop vide Rent Note (Exhibit RW-1) to one Ashok Kumar on 8th July, 2013.

2. After hearing both sides and on perusing the material available in the Lower Court Record, it has transpired that initially Tenant-Ashok Kumar had jointly been inducted in one Shop along with another Tenant Baldev Singh, way back in the year 1994.

3. The ground for eviction on account of personal reasonable requirement of the Landlord himself was incorporated by way of an

amendment by the Respondent's own Application filed in the year 2008, which was ultimately allowed by the Ld. Rent Controller on 5th August, 2010.

4. In that Amendment Application itself, the Respondent/Landlord had admitted that one of the Shops in the concerned building was under the tenancy of Ashok Kumar.

5. The subsequent Rent Note (Exhibit RW-1) relied upon by the Petitioner/Tenant pertains to the year 2013 in which it has been specifically mentioned that the Tenant-Ashok Kumar has been in occupation of the concerned Shop “since before”. The conclusion, therefore, is inescapable that all along the sole Shop in occupation of Tenant-Ashok Kumar was one and the same, and continued to be in his occupation throughout notwithstanding that joint Tenant-Baldev Singh appears to have left possession thereof sometime during the interregnum.

6. It, therefore, cannot be said that the Respondent/Landlord was guilty of any wilfull suppression or that he had rented out any vacant Shop in favour of Tenant-Ashok Kumar since there is absolutely no material on record to indicate that at any point of time the Shop in question had actually fallen physically vacant.

7. No merits.

8. The instant Revision Petition is, therefore, dismissed.

However, considering the difficulty of the Petitioner/Tenant in immediately shifting his business from the present premises, he is granted time till 31st of May, 2020 to vacate the same subject to payment of all the accumulated arrears and current *mesne* profit, if any.

9. During that period, the Execution proceedings, against him shall remain stayed.

10. This order shall automatically stand vacated after 31st May, 2020.

11. The amounts deposited, if any, with the Ld. Court below in terms of this Court's Order dated 21st December, 2015, shall be released in favour of Landlord/Respondent, on his moving application in this regard.

December 16, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No