

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

258

CR-3128-2019 (O&M)
Date of Decision : 18.09.2019

Parvinder Kumar

.... Petitioner

Versus

Vipan Kumar Chhabra

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Vishal Munjal, Advocate
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision petition, petitioner-tenant has laid challenge to the judgment of learned Appellate Authority dated 13.11.2018, affirming order dated 17.03.2018 of the learned Rent Controller, Pathankot, whereby allowing eviction petition of respondent-landlord, petitioner was directed to vacate the demised premises forthwith.

Learned counsel for the petitioner restricting his argument only qua maintainability of the eviction petition of the respondent, submitted that both the Courts below failed to appreciate that the same was hit by the doctrine of *res-judicata*, because earlier similar petition of respondent-landlord was dismissed as withdrawn on 25.07.2014 (Annexure P-4).

Having given thoughtful consideration to the

submissions of learned counsel for the petitioner, this Court finds the instant revision, merits dismissal for the reasons to follow.

This Court, while exercising revisional power, has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond the 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 point any such infirmity.

Perusal of orders of both learned Courts below shows that issue No.5 was framed qua maintainability of eviction petition. The same was decided against the petitioner by the learned Rent Controller, holding that cause of action in the earlier and present eviction petition was different. The Appellate Authority affirmed the aforesaid finding. This Court is also of the similar view, inasmuch as, in the earlier eviction petition, the respondent-landlord had sought eviction of the petitioner on the ground of non payment of rent, which on tendering of rent was dismissed as withdrawn, whereas in the present eviction petition, the respondent sought eviction of the petitioner on the ground of his personal bonafide necessity. Thus, it is apparent on the record that earlier eviction petition filed by the respondent against petitioner was altogether on different cause of action.

No question of law, much less substantial, has been raised in the instant revision petition. Hence, the same is held not maintainable.

In view of the discussion made above, this instant revision petition is dismissed.

The petitioner is directed to vacate the demised premises forthwith as per direction of the learned Appellate Authority. In case, petitioner does not vacate the demised shop, as directed, the respondent-landlord shall be entitled to recover use and occupation charges @ Rs.50,000/- per month from the petitioner after 15 days of passing of this order, till vacation of the demised shop.

September 18, 2019
anju

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No