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

**CR-2580-2019 (O&M)
Date of Decision: 15.10.2019**

Mohd. Rafiq

..... Petitioner

Versus

Surinder Kumar Sharma

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mohd. Yousaf, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This revision petition is directed against the order dated 12.11.2016 passed by the Ld. Rent Controller, Malerkotla vide which the rent application of the respondent-Landlord for eviction of the petitioner-Tenant from the demised shop had been allowed, and against the order dated 08.02.2019 passed by the Ld. Appellate Authority, Sangrur whereby the order of Ld. Rent Controller, Sangrur has been upheld, by dismissing the appeal

2. The petitioner is a Tenant under the respondent-Landlord in respect of the demised shop at a monthly rental of ₹40/-. The eviction petition filed by the respondent was allowed by the Ld. Rent Controller, Malerkotla, who found that the Landlord had been able to make out a successful case for eviction of the petitioner-respondent on the ground of his personal requirement of the demised shop. Judgment of the Rent Controller was affirmed by the Ld. Appellate Authority also.

3. The petitioner is, however, aggrieved that the respondent was allowed to get away with the eviction order in spite of having allegedly

concealed certain material facts to the effect that he had in his possession one shop, and that he had also sold another shop to one Naresh Kumar. This Court has gone through the impugned judgments as also extracts from the deposition of both the parties in their respective examinations, which though not filed along with the present revision petition, were nevertheless tendered for perusal by Ld. Counsel for the petitioners.

4. It transpires that the Landlord had admitted that one of the shop belonging to him was being occupied by 'Thind General Store', who then left the same after which one 'Aslam Basti Wala' became a tenant in that shop. There is, however, nothing on record to indicate whether or not the alleged vacation by 'Thind General Store' had taken place before filing of the eviction petition or thereafter.

5. In such circumstances, it is not for the Court to speculate that the shop, in question, was got vacated prior to the eviction petition and not thereafter as has been sought to be suggested on behalf of the petitioner, in the absence of clear cut evidence from his side, about the date or time when such vacation took place. Regarding the alleged sale of one shop to Naresh Kumar, again it has transpired that it was actually a house belonging to the petitioner's wife, and not the petitioner himself; and was not a shop *per se*.

6. In this view of the matter, this Court finds no reason to interfere with the concurrent findings of both the Ld. Courts below which have determined that the respondent-Landlord is entitled to have the demised shop vacated on the ground of his personal necessity/requirement of the same.

7. No merits. Dismissed.

8. However, the petitioner is granted time to vacate the demised

shop within three months from today, during which period any execution proceedings if pending against him shall remain stayed.

9. This order shall automatically stands vacated w.e.f. 16.01.2020.

15.10.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No