

CR-4208 of 2019 (O&M)

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

CR-4208 of 2019 (O&M)
Date of decision: 12.07.2019

Lachhman Dass

.....Petitioner

versus

Devi Bala Sundri Mandir Ladwa

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vikram Singh, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision, tenant has laid challenge to judgment dated 23.05.2019 of the Appellate Authority, affirming the order of the Rent Controller dated 11.12.2015, whereby revisionist was ordered to be evicted, while accepting petition of the respondent under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (in short the 'Act').

Learned counsel for the petitioner *inter alia* contends that both the Courts below failed to appreciate that respondent-landlord is owning 45 shops, including the demised shop, but he sought eviction of the petitioner only without adopting any recourse of eviction against other tenants. Plea taken by the landlord to evict the petitioner that he wants to construct a room for placing shoes of worshipers of its temple by demolishing adjoining shop in possession of one other tenant, namely, Prem Chand remained unsubstantiated on the file. Therefore, both the Courts below have erred in ordering eviction of the petitioner.

Having given thoughtful consideration to the submissions made

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by learned counsel for the petitioner, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this revision.

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 judgments of both the Courts below.

The demised shop is situated near the temple of respondent-landlord. In case, he wants to use the demised premises along with adjoining shop to keep shoes of worshipers being owner of it, he cannot be denied for the same inasmuch as by this time it is well-settled that a tenant cannot dictate his terms to the landlord. Petitioner could not rebut evidence of the respondent-landlord qua his *bona fide* necessity to use demised shop to keep shoes of worshipers of its temple.

I have gone through the judgment and order of both the authorities below and find no illegality and perversity in the same being completely based on appreciation of evidence on the file.

In view of above, finding no merit in this revision, same is dismissed.

(Ramendra Jain)
Judge

July 12, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No