

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

CR No. 1212 of 2018 (O&M)
Date of decision: April 26, 2019

M/s Varusuraya Infrastructure & Development Pvt. Ltd.

...Petitioner

Versus

Neeaj Bansal

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajbir Singh Guron, Advocate,
for the petitioner.

None for the respondent.

JAISHREE THAKUR, J.

This revision has been filed seeking to challenge the order of the Rent Controller and that of the Appellate Authority, dismissing the petitioner's eviction petition.

In brief, facts are that the petitioner herein filed a petition under Section 13 of the East Punjab Rent Restriction Act, 1949 seeking eviction of the respondents from the entire ground floor of SCO No. 45, Sector 41-D, Chandigarh, on the ground of subletting and personal necessity. It was pleaded that the ground floor was required for the purpose of setting up a restaurant, while further taking the plea that the 1st floor would be put to business of hotel.

During the pendency of the proceedings, the 1st floor was sold out, which led both the courts below to conclude that there was no

requirement of personal necessity. Aggrieved against the said finding the instant revision has been filed.

Learned counsel appearing on behalf of the petitioner contended that both the courts below have erred in holding that the personal necessity could not be proved since the petitioner herein had sold two floors during the pendency of the proceedings in the court. It is argued that the eviction was being sought on the ground of personal necessity of setting up a restaurant on the ground floor, which necessity still survives. The co-ordinate Bench of this Court, taking note of the contention as raised by the learned counsel for the petitioner that the petitioner still want a restaurant on the ground floor was of the opinion that the petitioner should have amended his petition and should have brought new facts on the record at that stage. On this, learned counsel for the petitioner prayed that the petitioner be permitted to withdraw this petition with liberty to file a fresh one on the same ground.

In view of the statement made by the learned counsel for the petitioner, notice of motion was issued for 30.1.2019 and service was effected. However, no one put in appearance on behalf of the respondent on the date so fixed. This Court taking note of the fact that the service is complete, adjourned the case for 27.3.2019, on which date the matter was adjourned for 10.4.2019. Even on 10.4.2019, the matter was called twice but no one came to be present on the behalf of the respondent.

In view of the pleadings and the statement of the learned counsel for the petitioner that the ground seeking ejectment to set up a restaurant still survives and he would like to file a fresh eviction petition on

same ground, this petition is disposed of with liberty to the petitioner to file a fresh eviction petition on the same ground.

The revision petition stands disposed of accordingly.

April 26, 2019
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No