

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1900-2017(O&M)

Date of decision: 04.03.2020

Sharwan

.....Petitioner

Versus

Shree Sewak Sabha (Registered) Jorion Kuan, Jundla Gate, Karnal

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Abhinav Sood, Advocate for the petitioner

Mr. V.B.Aggarwal, Advocate for the respondent

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner has filed the present revision petition against order of eviction passed by the Rent Controller, affirmed in appeal by the Appellate Court. Eviction has been ordered by the Courts below on two grounds:-

- i) Bona fide requirement of the landlord.
- ii) The tenant has impaired the value and utility of the building by raising un-authorized construction.

Learned counsel for the petitioner submits that the landlord is a legal entity and as per the resolution passed on 22.4.2012, a member was authorized to file the petition on the ground that the Society would get a school constructed whereas when the petition was filed, different ground was pleaded i.e the premises are required for expansion of the cremation ground and for construction of a hall on the first floor for holding last rites. He further submitted that in Civil Revision No. 5923

of 2016, this Court has held that since the resolution passed by the Society was for different ground, therefore, on the basis of defective resolution, the petition was held to be not maintainable.

On the other hand, learned counsel for the respondent has submitted that even if the ground of bona fide requirement is ignored still it is proved on file that original tenant was inducted in a room measuring 16 feet x 16 feet having open space measuring 14 feet x 43.5 feet. The tenant has raised construction and thereby covered the entire area which is more than double.

Learned counsel for the petitioner in response has submitted that the tenant had raised construction 12 years before filing of the petition.

The tenant is present in Court. He admits that he has raised construction over the vacant space. Thus, the tenant has extended the tenanted premises by covering more than 2 ½ times of the length of the original shop in addition to the shop in question. Such act on the part of the tenant cannot be condoned. Hence, there is no ground to interfere.

Dismissed.

04.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No