

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2518 of 2016 (O&M)

Date of Decision: 13.02.2020

Najar Singh Manmohan Singh and Others

... Petitioner(s)

Versus

Kasturi Lal and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Dhirinder Chopra, Advocate
for the petitioners.

Mr. Puneet Jindal, Senior Advocate
with Mr. Varun Goyal, Advocate
for the respondents.

Anil Kshetarpal, J.

The tenant/petitioner has filed the present revision petition against the orders passed by the learned Rent Controller ordering his eviction, affirmed in appeal by the learned Appellate Authority.

Learned counsel appearing for the petitioner has submitted that the landlord, while filing the eviction petition, has concealed a fact that an alternative shop No. 29-B is available to the landlord. He further submitted that the landlord has filed the petition praying for bonafide requirement of his son. He submitted that the landlord neither pleaded the necessary ingredients as provided under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as “the Act”) with respect to his son nor his son appeared in the evidence. He further submitted that three applications have been filed before this Court to bring on record the

subsequent events by way of additional evidence.

On the other hand, learned counsel for the respondent has submitted that with regard to shop No. 29-B, disclosure has been made in the rejoinder.

Keeping in view the facts of the case as also the judgments passed by the Hon'ble Supreme Court in *Ajit Singh and Another v. Jit Ram and Another 2008(9) SCC 699* read with *Joginder Pal v. Naval Kishore Behal (2002) 5 SCC 397*, it was incumbent on the landlord to plead all necessary ingredients with respect to the son, particularly when the eviction was sought on the ground of bonafide requirement of the son. Therefore, the present revision petition is allowed and the orders of eviction are set aside. The case is remanded back to the learned Rent Controller to permit the parties to amend their pleadings and thereafter, decide the eviction petition afresh. The parties, through their learned counsel, are directed to appear before the learned Rent Controller on 05.03.2020.

The miscellaneous application(s), if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

February 13, 2020
"DK"

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No