

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3972-2016 (O&M)

Date of Decision: 10.02.2020

Deepak Kumar

....Petitioner

Versus

Sheela Goyal

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla , Advocate
for the petitioner.

Mr. Arihant Jain, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant- petitioner has filed present revision petition against the order passed by Appellate Authority ordering eviction on the ground that the landlady bonafidely requires the premises for her son.

It has come in evidence that family of the landlady is owner of a building consisting of two shops on the ground floor and two rooms on the first floor. She is blessed with two sons. One shop is in the possession of tenant whereas other shop and two rooms on the first floor are in the possession of her other son-Deepak Goyal. The landlady filed the present petition by pleading that she along with her son requires the premises for settling her son Vinod Goyal. Learned Rent Controller dismissed the petition. However, learned Appellate Authority after re-appreciation of evidence, reversed the finding of the Rent Controller.

This Court has heard learned counsel for the parties and with their able assistance, gone through the orders passed by Rent Controller as well as Appellate Authority. Learned counsel for the petitioner-tenant has submitted

Appellate Authority erred in reversing the judgment of the Rent Controller. He submitted that it is proved on the file that Vinod Goyal also runs his business from the adjoining premises. He submitted that once the landlord has not filed the petition with clean hands, therefore ejectment of the tenant should not be ordered.

On the other hand, learned counsel for the respondent-landlord has submitted that Vinod Goyal may be for some time handling the business of his brother occasionally in absence of his brother, however, that itself would not be sufficient to hold that Vinod Goyal is regularly working therein. He submitted that the entire business being conducted from the adjoining premises is proved to be in the name of Deepak Goyal and not Vinod Goyal.

This Court has heard the arguments of learned counsel for the parties. A landlord cannot be expected to sit idle hoping that one day he will be able to get possession of the premises in occupation of the tenant particularly when the litigation in the Courts take tantalizing long time. In the present case, ejectment petition was filed on 14th November 2011. It has taken 8 years to decide. There is no dispute that adjoining premises is in occupation of Deepak Goyal, brother of Vinod Goyal. If Vinod Goyal also occasionally attends the business being run by his brother, would not be sufficient to hold that the requirement of the landlady is not bonafide.

Keeping in view the aforesaid facts, this Court does not find any good ground to interfere.

Disposed of, accordingly.

February 10, 2020
Mehak

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No