

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

CR-4344-2017(O&M)

Date of decision: 03.03.2020

Hari Ram

.....Petitioner

Versus

Parveen Gupta @ Parveen Aggarwal

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Karan Garg, Advocate for the petitioner
Mr. Ravish Bansal, Advocate for the respondent

ANIL KSHETARPAL, J. (ORAL)

Tenant-petitioner has filed the present revision petition against concurrent finding of fact arrived by the Courts below while allowing the petition filed under Section 13 of the East Urban Punjab Rent Restriction Act, 1949(hereinafter referred to as 'the 1949 Act') filed by the respondent-landlady.

It may be noted here that respondent-landlady sought ejectment of the petitioner-tenant on the following three grounds:-

- i) Non-payment of Rent.
- ii) Building has become unfit and unsafe.
- iii) Bona fide requirement of her husband who has retired from service and wants to open his business in two shops i.e tenanted premises alongwith the adjoining shop.

Landlady as well as her husband appeared in evidence to prove that fact. It has come on record that the shop in dispute is situated in Moga city which is home town of the husband and his brothers are settled there. It has also come on record that the husband of the

respondent-landlady owns a house at Moga.

Learned counsel for the petitioner submitted that after retirement, the husband of the landlady is not doing anything and therefore, he cannot be expected to now start a business. He, hence, submitted that the requirement of the landlady is not bona fide.

This Court has considered submissions, however, finds no substance therein. The landlady filed the petition under Section 13 of the 1949 Act on 4.6.2011. It is almost 9 years since when she is fighting the litigation in Court. In absence of the premises, husband of the landlady cannot be expected to run business after taking some other premises on rent. The husband of the landlady is well qualified as he has retired from the post of Chief Engineer, Punjab State Electricity Department. It has been pleaded in the petition that her husband wishes to open office for giving consultancy services in the area he specializes. Such requirement cannot be doubted, particularly, when husband of the landlady has a rich experience.

Keeping in view the aforesaid facts, there is no ground to interfere. Hence, dismissed.

In view of the above, learned counsel for applicant/respondent (in CM-16776-CII-2019) states that he does not wish to press the present application for impleadment of the legal heirs of the deceased respondent and the same may be dismissed as not pressed.

Ordered accordingly.

03.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No