

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 8695 of 2016 (O&M)

Date of Decision: 12.02.2020

Smt. Nargis Ansari

... Petitioner(s)

Versus

Shyam Lal (since deceased) through his L.Rs.

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Shiv Kumar, Advocate
for the petitioner(s).

Mr. R.S.Nara, Advocate
for the respondent.

Anil Kshetarpal, J.

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

Learned counsel for the petitioner, while referring to the statement of the landlady, submits that she has given one room to her brother on lease during the pendency of the present revision petition and therefore, the requirement of the landlady is not bonafide.

On the other hand, learned counsel for the respondent submits that the landlady, while appearing in evidence, has explained that the aforesaid room is used for non-residential purpose and was given on rent because she was in need of money to survive. He further submits that even that premises which had been given to the brother, has now been vacated and is in possession of the son and grandson of the landlady. They are running a shop from the aforesaid premises.

This Court has considered the submissions of learned counsel for the parties and with their able assistance, gone through the judgments passed by the Courts below and the requisitioned record.

It is undisputed that the landlady is owner of two different premises. One is house having three floors, constructed over a plot of 25 square yards, consisting of one room on each floor. The second is the property in dispute which has a room on the ground floor and is being used for non-residential purpose, whereas a room on the first floor is in the occupation of the tenant. The landlady has two sons and one daughter. The daughter, after divorce, is also living with her. Out of two sons, one son is married having a grown-up child, whereas the second son is unmarried. As noted above, the total accommodation in possession of the landlady and his family is only three rooms for residence. The total number of family members are six, out of whom, one married son and his wife require an independent room. Then there is a daughter, who after divorce, is living with the landlady. Apart from that, she has another son and a grandson who is also now grown-up. In the second premises, ground floor is used for non-residential purpose. Hence, the premises, which is left, is the premises in dispute.

Keeping in view the aforesaid facts, this Court does not find any reason to interfere in the order passed by the Courts below.

Dismissed.

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

(Anil Kshetarpal)
Judge

February 12, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No