

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2310-2020(O&M)

Date of decision:18.11.2020

Mehar Singh Saini (since deceased) through his Lrs & ors
.....Petitioners

Versus

Suman Lata

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Shrey Goel, Advocate for the petitioners
Mr. Ravi Dutt, Advocate for the respondent

ANIL KSHETARPAL, J.

The tenants-petitioners have filed this revision petition against concurrent findings of fact arrived at by the Rent Controller which has been affirmed by the Appellate Authority while returning a finding that the landlady requires the tenanted premises for her bona fide use and occupation. It has come on record that the widow- landlady is already running a lodge-cum-rest house and she by merging the adjacent property wishes to expand her business and open a bigger hotel-cum-restaurant. The landlady's husband died in the year 2008 and thereafter, she is already running the business.

Learned counsel for the petitioner has submitted that the landlady is already 65 years of age and there is one more tenant in the premises against whom no proceedings have been initiated.

This Court has considered the submission, however, finds no substance therein. The respondent-landlady is admittedly running a

lodge-cum-rest house. This is the only commercial property owned by her. There is no evidence that the landlady is not physically fit. In these circumstances, in the absence of any evidence, merely because she is 65 years of age, her bona fide requirement cannot be doubted, particularly, when she is a businesswoman.

As regard, second argument of the learned counsel for the petitioner, it may be noted that although initially, no petition against another tenant i.e Dharampal was filed, however, subsequently, petition against Dharampal was also filed and he has been ordered to be evicted. This fact has been noticed by the learned Appellate Authority in para 19 of the judgment.

In view thereof, there is no ground to interfere. Hence, revision petition is dismissed, however, the petitioners are granted four months time to hand over vacant possession of the premises to the landlady subject to deposit of arrears of rent within a period of one month from today.

18.11.2020

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**