

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.R No. 4720 of 2019 (O&M)

Date of decision: 07.01.2020

**Veena Sood**

**... Petitioner**

**Vs.**

**Neelam Verma**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present:- Mr. S.S. Bains, Advocate, for the petitioner.

**ALKA SARIN, J.**

The present revision petition has been preferred by the tenant Veena Sood against the order dated 04.08.2016 (Annexure P-2) passed by the Rent Controller, Chandigarh and the order dated 09.07.2019 (Annexure P-1) passed by the appellate authority, whereby the ejectment petition filed by the respondent-landlady was allowed.

A brief matrix of the facts necessary for adjudicating the *lis* in the present case are that respondent-landlady, namely, Neelam Verma filed an ejectment petition stating therein that late Sh. G.S. Verma and Smt. Kamla Verma, her parents were owners of Flat No. 2404, Second Floor, BSNL (Tele House), Sector 50-C, Chandigarh (hereinafter referred to as, 'the demised premises'). It was stated in the petition that after the death of her father the respondent-landlady inherited 25% share in the demised premises. It is also stated that the demised premises were given on rent by her late father to the petitioner herein at a monthly rent of ₹16,000/- vide agreement dated 09.09.2013 and that it was agreed that the rent would be increased after 11 months @8% per annum. The petitioner herein paid the rent upto June 2014 and, thereafter, the increased rent @ ₹17,280/- per month as per the agreement

was not paid by the petitioner-herein. Hence it is claimed that the petitioner herein was in arrears of rent from August 2014 onwards upto May 2015. It is also stated in the ejectment petition that the daughter of the petitioner, namely, Surbhi, who was doing BDS from a College at Derabassi and her son who is a qualified engineer intended to start his own business in Chandigarh and had infact shifted to Chandigarh and was residing with his grandmother at Manimajra. Due to the hardships faced by her son and daughter she needed to shift to Chandigarh and, therefore, required the demised premises for her personal necessity and bonafide requirement.

Upon notice, the petitioner-tenant herein though appeared before the Rent Controller but did not file her reply to the petition and therefore, her defence was struck off by the Rent Controller vide order dated 02.03.2016.

To prove her case, the respondent-landlady examined herself as PW-1, Saurabh, her son as PW2 and Kamla Verma, her mother as PW3 and relied upon documents i.e. copy of death certificate of Sh. G.S. Verma Ex.P1; copy of PAN card of Neelam Ex.P2; copy of relevant page of her passbook Ex.P3; possession certificate Ex.P4; copy of rent agreement Ex.P5; copy of degree Ex.P6 & Ex.PW2/2; and copy of voter card of Saurabh Ex.PW2/1. Thereafter, the respondent-landlady closed her evidence vide statement dated 26.05.2016.

The respondent led no evidence as her defence had already struck off. It is pertinent to note that the order striking off the defence of the petitioner was never challenged by her and hence attained finality

Learned Rent Controller based on the evidence led by the respondent-landlady allowed the ejectment application. Against the said order

dated 04.08.2016 passed by the Rent Controller the petitioner-tenant approach the appellate authority. The appeal was dismissed on merits by the appellate authority on 09.07.2019. Hence the present revision petition.

I have heard the learned counsel for the petitioner.

At the outset, it was stated by learned counsel for the petitioner that the possession of the house had been taken by the respondent-landlady during the pendency of the present revision petition. He, however, argued the case on merits and contended that though no reply had been filed by the petitioner-tenant and no evidence was either lead yet the respondent-landlady had to stand on her own feet and prove her case, which according to him she had miserably failed in doing so. It was contended by the learned counsel for the petitioner that late Sh. G.S.Verma had entered into an oral agreement to sell with her and in fact handed over possession. It has also contended that a suit for specific performance filed by the petitioner was also pending, wherein she claimed that there was an oral agreement to sell in her favour.

The arguments raised by the learned counsel for the petitioner are neither here nor there inasmuch as learned counsel for the petitioner has not been able to point out as to how the authorities below have faulted in allowing the ejectment petition of respondent-landlady. All the arguments made by the learned counsel for the petitioner are in air inasmuch as there is not an *iota* of evidence on the record nor there any pleadings on the record to substantiate the arguments raised by him. Without pointing out the error in the orders passed by the authorities below a bald argument has been raised that respondent-landlady failed to prove her case. The respondent-landlady had stepped into witness box as PW-1 and had tendered her duly sworn affidavit

Ex. PW-1/A. She had stated on oath that the petitioner had been inducted as tenant vide rent agreement dated 09.09.2013 Ex. P/5. She further stated that after the death of her father, she has stepped into the shoes of the landlord. Further, She had stated that the petitioner was in arrears of rent w.e.f. August 2014 @ ₹17,280 per month upto May 2015 and thereafter @ ₹18,662.40 per month and further that she required the premises for her personal use and occupation. The son of the respondent-landlady also stepped into the witness box as PW-2 and supported the case. The mother of the respondent-landlady, namely, Smt. Kamla Verma also stepped into the witness box as PW-3. Ample evidence was led by the respondent-landlady to prove the fact that the petitioner-tenant was in arrears of rent and that the respondent-landlady required the premises for her own bonafide personal necessity.

In view of the above, I do not find any merit in the present revision petition. Hence the same stands dismissed.

**January 07, 2020**  
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**(ALKA SARIN)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

: Yes/No  
: Yes/No