

In the High Court of Punjab and Haryana at Chandigarh

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CR-6701-2019 (O & M)

Date of Decision: February 14, 2020

PARAMJIT SINGH

....PETITIONER

VERSUS

KRISHNA KUMARI

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgment dated 25.02.2016 passed by the Rent Controller whereby the petition preferred by the respondent for eviction of the petitioner from the premises has been allowed as well as the order passed by the Appellate Court on 01.07.2019 whereby his appeal there against has been dismissed.

Learned counsel for the petitioner contends that the ground of bona fide necessity was not made out from the evidence on record. She further contends that respondent had also raised the ground of non-payment of rent which did not find favour before the Courts below.

Heard.

The petitioner (respondent herein) had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 for eviction of

the respondent (petitioner herein) on the ground of bona fide necessity. The shop in dispute is stated to have been let out by the respondent to the petitioner in the year 1995 at a monthly rent of ₹450/-. The monthly rent of the demised shop at present is ₹500/-. The issue which falls for consideration in the case is as to whether the requirement of the respondent for occupying the premises was bona fide or not. The respondent had been able to establish that her family is in the business of dry cleaning. Her son AW-3 Gurpreet Kumar had stated that he is sharing the business with his father in a rented shop. The respondent had appeared as AW-1 and deposed in favour of the pleadings that she requires the shop for her personal use and necessity of her son Gurpreet Kumar. They had been carrying out dry cleaning in a rented shop and her son wanted to set up the business in the demised premises. Therefore, she was in bona fide need of the premises. The respondent and her witnesses had been extensively cross-examined but there was no material inconsistency in their evidence.

Another ground for eviction was that there was material alteration in the demised premises without the consent of the landlord. The landlord had examined PW-4 who was an advocate and had been appointed as a Local Commissioner. He had proved his report Ex.D-5 and stated that he had visited the spot after issuing notice to both the parties and had also clicked the photographs which were exhibited as Ex.P-7 to Ex.P-16. Vijay Kumar, Draftsman (PW-2) had proved the site plan and deposed that brick pillars had been newly constructed in the shop and wooden batten had been placed along with wooden rafters. New concrete flooring had also been carried out as

indicated in the site plan. The Courts below have thus rightly recorded the findings of fact that the petitioner had carried out material alteration of the building without the consent of the landlord.

Consequently, I do not find any manifest illegality in the judgments of the Courts below which would warrant interference while exercising revisional jurisdiction.

The petition stands dismissed.

At this stage, learned counsel for the petitioner contends that the petitioner is in financial difficulty and does not own any immovable property and, therefore, reasonable time be granted to him to vacate the premises.

In view of the above, the petitioner shall hand over actual, physical, vacant possession of the demised premises on or before 31.07.2020 so as to make alternate arrangements, subject to his furnishing an undertaking within a period of 15 days before the Executing Court in this regard. He shall clear the arrears of rent, if any, within a period of two months and also file an undertaking in this regard.

Needless to say that any violation of the aforesaid terms shall entitle the landlord to seek his eviction forthwith with police help, if necessary and without recourse to any remedy besides the petitioner/tenant making himself liable to contempt proceedings.

If the respondent is aggrieved by the order of this Court, he would be at liberty to approach this Court by filing an appropriate application.

February 14, 2020
A.Kaundal

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No