

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

1.CR-158-2021 (O&M)

Sunil Kumar Aggarwal

.....Petitioner

Versus

Mandi Janj Ghar Trust, Kapurthala

.....Respondent

2.CR-159-2021 (O&M)

Swaran Singh

.....Petitioner

Versus

Mandi Janj Ghar Trust, Kapurthala

.....Respondent

Date of decision:19.02.2021

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vikram Anand, Advocate for the petitioner

ANIL KSHETARPAL, J.

By this order, two revision petitions i.e CR-158-2021 and CR-159-2021 shall stand disposed of.

Learned counsel for the petitioner representing the tenants in both the revision petitions is common and the landlord as well as the ground for seeking eviction is identical. The tenants have filed these two revisions petitions against the concurrent orders of eviction passed by the court of Rent Controller, Kapurthala, which was affirmed by the appellant authority. The respondent landlord is a charitable trust running a common place reserved for solemnizing marriages. It is doing something good for the public at large.

The Trust had passed a resolution to re-construct the entire building in order to give more facilities to the public. The old building consists of certain shops, out of which two shops are occupied by the petitioners-tenants herein. The Trust in order to prove its bona fide requirement examined its representative and an Architect. Both the courts as noticed above have already ordered the eviction of the petitioners.

This Court has heard the learned counsel for the petitioner at some length and with his able assistance perused the paper book.

Learned counsel for the petitioner submits that the Trust had claimed itself to be registered, although, it is proved on file that the Trust came to be registered subsequently. He, further, while drawing the attention of the Court to the statement of PW-2 -Architect, submits that the building plan prepared by him was defective.

As regards the argument of learned counsel that the Trust was not registered on the date when the petition was filed, is only a procedural irregularity which stands cured by its subsequent registration.

As regards an error in the building plan, the same can be revised to conform to the requirements of building bye-laws framed by the Municipal Council.

Hence, no ground to interfere is made out.

Learned counsel for the petitioner, however, submits that the petitioners have to make an alternative arrangement and shift, for which some time may be granted.

Keeping in view the prayer made, the petitioners are granted

time upto 31.07.2021 to hand over the vacant physical possession of the tenanted premises to the landlord. They shall be required to file an undertaking before the Rent Controller, Kapurthala, that they will hand over the vacant physical possession of the tenanted premises to the landlord on or before 31.07.2021. They shall also be required to deposit all the arrears of rent as well as the rent as and when due.

Disposed of.

19.02.2021

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Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**