

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

CR-8688-2015(O&M)

Date of decision:24.02.2021

Pawan @ Kamal Dev

.....Petitioner

Versus

Devender Mahajan

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Krishan Singh, Advocate for the petitioner

Mr. Kunal Dawar, Advocate for the respondent

ANIL KSHETARPAL, J.

The petitioner-tenant has filed this revision petition against the order of the Appellate Authority ordering eviction on the ground that the landlord requires the premises for his bona fide use and occupation. The tenanted premises is a commercial property i.e Booth no.16, Sector 24-C, Chandigarh. The landlord filed the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of the tenant. It was pleaded that the landlord does not have any other premises to work as he intends to start his own business. It has further been pleaded that the landlord does not own any other commercial property in the city of Chandigarh.

The tenant contested the petition by submitting that the landlord has sufficient source of income. Learned Rent Controller dismissed the petition whereas learned appellate authority has reversed the judgment of the Rent Controller and ordered eviction of the tenant.

This Court has heard learned counsel for the parties and with their able assistance perused the paper book. Learned counsel for the petitioner has pleaded that the respondent-landlord is idle whereas it is proved on file that the landlord is an income tax payee and he has also taken a loan for construction of a house. He, hence, submits that the petitioner did not come to the court with clean hands.

This Court has considered the submission, however, finds no substance therein. It is not the case of the landlord that he does not have any source of income. In the eviction petition, he has pleaded that he is idle and wants to start a business from the tenanted premises. One can start business only if he has some resources. Hence, the appellate authority has rightly concluded that the landlord has not made any incorrect statement.

Both the courts have found that the landlord does not have any other commercial property in the city of Chandigarh. Hence, no ground to interfere with the findings of fact arrived at by the Appellate authority is made out.

Hence, dismissed.

However, the petitioner is granted three months time i.e on or before 31.05.2021, to make an alternative arrangement and shift.

24.02.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)
JUDGE