

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-965-2021 (O&M)

Date of decision:01.10.2021

Geeta Vaid

....Petitioner

Versus

Shokat Ali and others

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rohit Mittal, Advocate for the petitioner

ANIL KSHETARPAL, J

The petitioner was a tenant of respondent no.1. She assails the correctness of the concurrent orders passed by the Rent Controller and the Appellate Authority, ordering her eviction on the ground of bona fide personal necessity. Both the courts, after noticing that the landlord is residing in one room having a verandah, kitchen and bathroom, alongwith his wife, aged mother and three children, ordered eviction of the petitioner. Learned counsel representing the petitioner admits that the respondent-landlord has already taken over the possession of the tenanted premises in execution of the eviction orders.

Heard learned counsel representing the petitioner. He contends that the landlord is also the owner of certain other residential properties. He drew the attention of the Court to the deposition of Parveen Kumar, Clerk in the office Municipal Committee, to prove this fact.

Both the authorities have already examined the aforesaid

contention and found that the petitioner has failed to prove the aforesaid defence. Learned counsel representing the petitioner has failed to draw the attention of the Court to any substantive error in the aforesaid appreciation of evidence.

This Court while exercising its revisional jurisdiction is not expected to re-appreciate the evidence unless the tenant draws the attention of the court to any perversity or material error in the judgments passed by the Rent Controller as well as the appellate authority. Reliance in this regard can be placed on a Five Judge Bench judgment passed in **Hindustan Petroleum Corporation Limited vs. Dilbahar Singh' (2014) 9 SCC 78** wherein it has been held that the scope of revisional jurisdiction under the Rent Act is limited and the revisional Court is not expected to interfere in the concurrent findings unless it comes to a conclusion that the findings suffer from perversity or material error.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

01.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE