

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

103

**CR-1759-2020(O&M)
Date of decision:02.11.2021.**

VARINDER MOHAN SHARMA

...Petitioner

Versus

GURBACHAN SINGH CHAWLA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rakesh Sobti, Advocate
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The petitioner (tenant) assails the correctness of orders passed by the learned Rent Controller as well as the Appellate Authority while ordering ejectment of the petitioner on the ground of bonafide personal necessity of the landlord.

Admittedly, the landlord is more than 70 years old. He is stated to be residing in the premises constructed in the Industrial Area, Phase-I, Chandigarh. He has sought eviction on the ground that after loosing his life partner, he now wishes to settle down along with his children and grand children. Both the Courts have found merit in the bonafide necessity of the landlord.

The learned counsel representing the petitioner contends that the landlord has not only concealed material facts while filing the petition but has also failed to examine his family members. He further contends that the landlord is residing in Mohali.

This Court has heard the learned counsel representing the petitioner at length.

Both the Courts have found out that the tenant has failed to prove any material concealment of the fact which may result in the dismissal of the eviction petition. The petitioner alleges that while filing the petition the landlord has given his address of a non-residential premises therefore, the petitioner has concealed the material fact.

It has been noticed that the landlord while filing the petition has asserted that after loosing his wife, he is residing in a commercial premises from where he is also running his business. The petitioner has failed to prove that the aforesaid stand of the landlord is incorrect. Furthermore, it is not in dispute that the landlord has deposed while appearing in the learned trial Court. The counsel representing the petitioner (tenant) has been given opportunity to cross examine the witness. In spite of the lengthy cross examination of the landlord, the learned counsel representing the petitioner has failed to impeach the credibility of the evidence. Hence, it was not necessary for the respondent to examine his other family members.

The learned counsel representing the petitioner further submits that one Smt. Savita Rani has been running a paying guest accommodation from one half portion of the house in question.

Smt. Savita Rani is alleged to have taken the premises on rent. If the tenant uses the premises in a particular manner, the landlord cannot be penalised for the same.

Keeping in view the aforesaid facts, no ground to interfere in the orders passed by the learned Rent Controller as well as the Appellate Authority, is made out.

Dismissed.

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

November 02, 2021
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No