

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

CR-2607-2020(O&M)

Date of decision:18.01.2021

Mohan Lal

.....Petitioner

Versus

Raj Kumar

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.G.C.Shahpuri, Advocate for the petitioner

ANIL KSHETARPAL, J.

The tenant-petitioner has filed this revision petition challenging the correctness of the order of eviction passed by the Rent Controller, which has been affirmed in appeal by the Appellate Authority.

The respondent-landlord has sought eviction of the petitioner on the ground that he bonafidely required the premises for his own use and occupation. He has pleaded that the premises (a shop) is required for running business of money exchange, photostat and STD. The petitioner after retiring from the services of the Bank on 30.09.2014, filed this petition on 24.09.2015. The tenant contested the petition on the ground that the landlord has a house in Gurugram. Both the Courts as noticed above found that the respondent has successfully proved that he bonafidely required the tenanted premises.

Learned counsel for the petitioner while drawing attention of the Court to the statement of the landlord reproduced at page 8 of the paper book submits that the landlord admits that he has a house in

Gurugram. He, hence, submits that the respondent is not likely to come back to Jagadhari.

This Court has considered the submissions. It is apparent that the respondent admits that he purchased a house in the year 2003 at Gurugram. However, he states that he has two sons and one daughter. One son has gone abroad whereas the other son is settled in Gurugram. The daughter is already married. He has further stated that he has a house in Amar Street, Jagadhari. He has clearly stated that he intends to open his own business in the shop in question.

Keeping in view the aforesaid facts, no ground to interfere with the concurrent finding of facts arrived at by the Courts below is made out. Hence, dismissed. However, the petitioner is granted six months time to hand over vacant physical possession of the premises to the landlord, provided he files an undertaking to this effect before the Rent Controller alongwith arrears of rent and future rent within a period of one month from today.

18.01.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**