

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

ASHOK KUMAR
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CR-2144-2021 (O&M)

Date of decision: 29.09.2021

SUBHASH CHAND

..Petitioner

Versus

MAMTA RANI VOHRA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raghav Gulati, Advocate/legal aid counsel
for the petitioner.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The tenant assails the correctness of the order of eviction passed by the Appellate Authority on 09.02.2021. The eviction of the respondent was sought on the ground of non payment of rent as well as *bona fide* necessity of the husband of the landlady to expand the business. The Rent Controller dismissed the eviction petition on the ground that the land lady concealed the fact of filing two previous petitions by her predecessor in the years 1997-98. Learned Appellate Authority, after appreciating the evidence, found that there is no material concealment of fact and the *bona fide* requirement of the landlady stands proved. The landlady as well as her husband have entered into witness box and deposed in support of the petition. It has come in evidence that the husband of the landlady is carrying on his business in the adjoining premises. In the cross examination, attempts were

made to impeach the statements of the landlady and her husband, however, learned counsel representing the tenant failed.

Keeping in view the aforesaid facts, the Appellate Authority reversed the judgment of the trial Court.

Learned counsel representing the petitioner contends that the respondent concealed the filing of the previous petitions wherein it was held that house tax is payable by the land-lord and not by the tenant. It is not in dispute that the aforesaid petitions were filed by the predecessor of the landlady and not by the petitioner. Moreover, the Appellate Authority has ordered eviction of the petitioner on the ground of the *bona fide* requirement of the landlady's husband. In such circumstances, an insignificant omission in the petition cannot result in dismissal of the petition particularly when the previous eviction petitions were filed around 17/18 years before the filing of the present petition.

Dismissed.

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

29.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE