

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

114

**Civil Revision No.1496 of 2021
Date of decision:30.11.2021.**

Sanjay Kumar

...Petitioner

Versus

Neelam Mittal

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. S.K.S.Bedi, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The petitioner is a tenant who has been ordered to be evicted by the Rent Controller as well as by the Appellate Authority.

The respondent-landlady had sought eviction of the petitioner on the ground of bonafide requirement for running a business of trading in cosmetics. The respondent-landlady has claimed that she is handicapped and after the death of her father she is required to do a job/occupation for her sustenance. It has come in evidence that the respondent's father died in October, 2015, whereas the eviction proceedings were initiated on 21.04.2016.

This Bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paper book.

The learned counsel representing the petitioner contends that the respondent-landlady has sold a shop during the pendency of the eviction petition.

On a Court question, he has admitted that before the Rent Controller, the ejectment petition was not opposed on the aforesaid ground.

Since, the petitioner did not defend this eviction before the Rent Controller on the aforesaid ground, the petitioner cannot be permitted to take up this point in the revision petition.

The learned counsel representing the petitioner further contends that the respondent-landlady has also sought eviction of the adjoining premises which has been allowed and the order has become final.

Be that as it may. The aforesaid eviction petition has been decided on merits and therefore, in the absence of material to the contrary, it will not be appropriate to interfere only on the ground that the respondent-landlady has also succeeded in another petition.

Hence, no ground to interfere in the impugned order is made out.

Dismissed.

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

November 30, 2021
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(ANIL KSHETARPAL)
JUDGE

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