

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

120

CR-2865-2021 (O&M)

Date of decision: 29.11.2021

GUNNO DEVI AND ANOTHER

..Petitioners

Versus

AJAY ALIAS BALI AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Sharma, Advocate for the petitioners.

ANIL KSHETARPAL, J (Oral)

The petitioners are tenants who have been ordered to be evicted by the Rent Controller while allowing the petition for their ejectment filed under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter called 'the 1973 Act'). The ejectment of the petitioners has been sought on the ground of bona fide requirement. The appellate authority has also confirmed the order against the petitioners.

The learned counsel representing the petitioners contends that the landlords while filing the petition under Section 13 of the 1973 Act did not assert the facts required to be pleaded as per the relevant statute. He submits that the landlords have failed to assert that neither they have vacated nor they are occupying any similar building in the area.

On being pointed out by this Court, learned counsel for the petitioners admits that while filing the written statement, the petitioners did not object to the maintainability of the petition before the Rent Controller on

the aforesaid grounds.

It may be noted here that the petitioners are objecting to the very maintainability of the petition, for the first time, at the stage of revision, particularly when both, the Rent Controller and the Appellate Authority, have, concurrently ordered their ejection. Furthermore, the petitioners have failed to lead any evidence to prove that the landlords have vacated any similar building after the commencement of the 1973 Act.

Keeping in view the aforesaid facts, this Court is of the considered view that the petitioners cannot nullify the orders of eviction only on the ground that the respondents failed to make certain assertions, particularly when no evidence to the contrary has been led.

Disposed of.

All the pending miscellaneous application(s), if any, are also disposed of.

29.11.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE