

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 155 of 2020 (O&M)

Veena Rani

... Petitioner(s)

Versus

Parkash Chand

... Respondent(s)

AND

2. Civil Revision No. 323 of 2020 (O&M)

Surjit Singh Viridi

... Petitioner(s)

Versus

Parkash Chand

... Respondent(s)

Date of Decision: 24.02.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Surinder Garg, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

By this order, Civil Revision No. 155 and 323 of 2020, filed by two different tenants against the same landlord shall stand disposed of. Even the counsel representing the petitioner(s) in two separate petitions is common. Both the Courts below have ordered eviction of the tenants (one each).

The respondent-landlord was previously in possession of another tenanted premises. He used to run his business therein, which was owned by someone else. The respondent-landlord sought eviction of the tenants, separately, in both the cases on the ground that he requires the premises for starting his business as he had to vacate the tenanted premises in which he was running his shop previously. Both the Courts below have found merits therein and ordered eviction of the tenants. These revision petitions have been filed challenging the correctness of the aforesaid judgments.

The petitioner, while filing the petitions, claimed that he was

previously running his business from some other tenanted premises, however, his landlord started pressurizing him to vacate. He filed a suit for grant of permanent injunction, however, the premises was sold to someone else during the pendency of the suit. Ultimately, he had to vacate the premises in order to buy peace. The landlord claims that now he requires the tenanted premises (both the shops) for running the business of general merchandise as he does not have any other premises to run his business. The tenants contested the same and pleaded that the landlord does not require the premises for his bonafide use. It was also contended that the landlord has, without any justification, surrendered the possession of the premises in his possession, may be as a tenant. Therefore, the requirement is not bonafide.

As noticed above, the Rent Controller as well as the Appellate Authority found that the requirement of the landlord is bonafide and he surrendered the possession of the tenanted premises for a reasonable cause.

Learned counsel representing the tenants has contended that the landlord has already shifted to Panchkula, which is far away from Moga, where the tenanted premises in dispute are located. He, hence, contended that the requirement of the landlord ceases to exist.

This Court has heard learned counsel for the petitioners and with his able assistance, perused the paper-book.

It would be noted here that for the first time in the appeal, the tenants took the plea that the landlord has shifted to Panchkula. From the perusal of memo of parties of the appeal, it is apparent that the landlord was impleaded as respondent and shown to be the resident of House No. 1257, Gandhi Nagar, Moga. However, it was added that now, he is residing at Panchkula. The address of the landlord at Panchkula was not disclosed. Before the Appellate Authority, no material was produced to prove that the landlord has already shifted to Panchkula. In these circumstances, the Appellate Authority held that the tenants have failed to prove that fact.

As per memo of parties of these revision petitions, two addresses of the respondent have been given. However, no material, in support of the fact that the landlord has shifted to Panchkula, has been brought on record.

In such circumstances, mere assertion of the tenants that the respondent-landlord has permanently shifted to Panchkula, cannot be accepted.

The tenants ought to have produced some material in support of the plea taken, either before the Appellate Authority or before this Court.

It is well settled that while exercising the powers of the revisional court, the scope of interference is limited. Reliance in this regard can be placed in the judgment of the five judges' Bench in *Hindustan Petroleum Corporation Limited v. Dilbahar Singh (2014) 9 SCC 78*. It is significant to note that Veena Rani, the petitioner in Civil Revision No. 155 of 2020, has not appeared in evidence. She appeared through her attorney. In the second case, it has come on record that the tenant-Surjit Singh Viridi has already shifted to Canada.

Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, both the petitions are dismissed.

The miscellaneous application(s), if any, pending in both the petitions, shall stand disposed of.

(Anil Kshetarpal)
Judge

February 24, 2021
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No