

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No-2655 of 2017(O&M)

Date of decision: 27.07.2022

Messers Gupta and sons

..Petitioner

Versus

Tarsem Lal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Atul Gaur, Advocate
for the petitioner.

Mr. Manoj Prabhaker, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a tenant, who has been ordered to be evicted from the shop in question by the Rent Controller and the order has been affirmed by the Appellate Authority from the shop in question. The order of eviction has been passed on the ground that the landlord bonafidely requires the premises as he is presently working on daily wages and he wants to start his own business of a general store.

The landlord has 3 brothers, namely, Sh. Yogesh Gupta, Sh. Yash Pal and Sh. Joginder. The landlord filed a petition claiming the premises for his bonafide requirement. It was asserted that he has no other shop nor he ever possessed the shop on any earlier occasion. The landlord does not have any other property and he never disposed of any property or also he never vacated any property in the urban area of Amritsar.

While contesting, the tenant (petitioner herein) took a stand that he was inducted by Sh. Tarsem Lal's father late Sh. Dwarka Dass and the

petitioner along with the other legal heirs of late Sh. Dwarka Dass have got sufficient accommodation as there are three shops situated in the area of Adarsh Nagar, whereas two shops are located at Hathi Gate.

When Sh. Tasem Lal appeared in evidence, he disclosed that there are three shops in Adarsh Nagar, out of which 2 shops are occupied by his brother Sh. Yash Pal. The third shop is lying vacant. When AW2-Sh. Yogesh Pal appeared, he explained that his father was owner of two shops at Hathi Gate, Amritsar, out of which one shop is occupied by M/s Gupta and sons (petitioner herein) and the second is in possession of another brother.

Both the authorities have found that the requirement of the landlord is bonafide.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with the record which was requisitioned.

The learned counsel representing the petitioner contends that there are as many as 5 shops, out of which one is lying vacant in Adarsh Nagar. He submits that these 4 brothers have more than sufficient accommodation to run their businesses.

On the other hand the learned counsel representing the landlord contends that eviction of the shop located at Hathi Gate, Amritsar has been sought and the shops at Adarsh Nagar were inherited by their mother from her parents and the landlord is not the owner of the aforesaid shop located in Adarsh Nagar.

The tenant has not led any evidence to prove that the shops located in Adarsh Nagar are, in fact, owned by the landlord or any of his brothers. In fact, when one reads the deposition of Sh. Yogesh Pal, it is

evident that late Sh. Dwarka Dass was the owner of two shops located at Hathi Gate, Amritsar, which have been inherited by the brothers. The mother of the landlord is still alive.

In view of the aforesaid, while ordering eviction of the petitioner, the authorities below have not committed any error.

Hence, dismissed.

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

July 27th, 2022
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(ANIL KSHETARPAL)
JUDGE

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