

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

110

**CR-2868 of 2017 (O&M)
Date of decision: 09.11.2022**

Mamta Batra and another

..Petitioners

Versus

Nirmaljit

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.K.Aurora, Advocate
for the petitioners.

Ms. Eliza Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The petitioners herein are successors-in-interest of the late Sh. Narayan Dass, the original tenant. Respondent-Sh. Nirmaljit son of Jagdish Mittar filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the 1949 Act'), seeking the eviction of the petitioners from the shop in question. The eviction was sought on the ground of non-payment of rent as well as bonafide necessity of the landlord. The petitioners, while contesting the petition, claim that there is no relationship of landlord and tenant between the parties. It may be noted here that Sh. Nirmaljit claims that he has purchased the property through a registered sale deed dated 06.02.2013 from Sh. Karam Chand.

The appellate authority, after reappreciating the evidence, has found that the relationship of the landlord and tenant is proved as the respondent stepped into the shoes of the previous landlord/owner on the execution of the sale deed.

The petitioners have filed an application for permission to lead additional evidence to prove that the shop in question was allotted in favour

of Smt. Ram Piari and Smt. Maya Devi in the year 1978 by the Jalandhar Improvement Trust. Therefore, neither Sh. Karam Chand nor Sh. Nirmaljit have any right, title or interest in the property.

It has come on record that Smt. Maya Devi was the wife of Sh. Karam Chand. She died long time back. Further, it has been submitted by the learned counsel representing the respondent that Smt. Ram Piari was Sh. Karam Chand's mother, who has also died. However, the learned counsel representing the petitioner submits that no material in this regard has been produced.

Be that as it may, Smt. Maya Devi was one of the co-owner. On her death, her husband Sh. Karam Chand lawfully succeeded to the property. Thereafter, Sh. Karam Chand transferred the property in favour of Sh. Nirmaljit vide sale deed dated 06.02.2013. Thus, the petitioners are, now, tenants under Sh. Nirmaljit.

It has come on record that Sh. Nirmaljit requires the shop for opening a photo studio. The appellate authority has recorded findings of fact to the effect that the requirement of Sh. Nirmaljit is bonafide.

Keeping in view the aforesaid facts, the revision petition is dismissed. The application for permission to lead additional evidence is disposed of accordingly.

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

November 09, 2022

nt

**(ANIL KSHETARPAL)
JUDGE**

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