

**111-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CR-4236-2018 (O&M)

Dharam Pal (since deceased) through his L.Rs

....Petitioner

Versus

Krishan Chand Kohli alias Kishan Chand

..Respondents

2.CR-4239-2018 (O&M)

Girdhari Lal (since deceased) through his L.R

....Petitioner

Versus

Krishan Chand Kohli alias Kishan Chand

..Respondents

3.CR-4393-2018 (O&M)

M/s Chaman Lal Pawan Kumar

....Petitioner

Versus

Krishan Chand Kohli alias Kishan Chand

..Respondents

4.CR-4906-2018 (O&M)

Suresh Kumar (since deceased) through his L.Rs

....Petitioner

Versus

Krishan Chand Kohli alias Kishan Chand

..Respondents

Date of decision: 31.03.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rahul Sharma-1, Advocate for the petitioner
in CR-4236-2018 and CR-4239-2018

Mr. Tribhawan Singla, Advocate for the petitioner
in CR-4393-2018

Mr. Ravi Kamal Gupta, Advocate for

Mr. B.R.Gupta, Advocate for the petitioner
in CR-4906-2018

Mr. Harsh Aggarwal, Advocate for the respondent
in CR-4236-2018 and CR-4239-2018

Mr. Avnish Mittal, Advocate for the respondent
in CR-4393-2018 and CR-4906-2018

ANIL KSHETARPAL, J (Oral)

By this order, four revision petitions i.e CR-4236, 4239, 4393 and 4906 of 2018 shall stand disposed of.

These four revision petitions filed by the separate tenants of a common landlord have come up for final disposal. The Rent Controller has ordered ejectment on the ground of bona fide necessity of the landlord. The Appellate Authority has affirmed the findings of fact.

Heard learned counsel representing the parties at length and with their able assistance perused the judgments passed by the courts below. Learned counsel representing the petitioner (in CR-4236-2018 and CR-4239-2018) contends that the landlord has failed to prove that his requirement is bona fide. He further submits that the landlord is guilty of concealment of material facts from the court. Learned counsel representing the remaining petitioners in other two revision petitions have adopted the argument of the learned counsel representing the petitioner in CR-4236-2018 and CR-4239-2018.

Per contra, learned counsel representing the landlord contends that the requirement of the landlord is bona fide and he has been praying for ejectment for the last 12 years in order to start his business of General Merchandise-cum-provisional store. He further submits that there is no concealment of the fact as the other property of the landlord is either agricultural or outside the town. He further submits

that the landlord has disclosed all the requirements as per law.

It has come in evidence that all these five shops are a part of one integrated building. The landlord wishes to start his business of general merchandise. He has stepped into the witness box and supported his petitions. Despite searching questions by learned counsel representing the tenants, they have failed to impeach his credibility. The landlord has also examined Pritam Singh as well as Jatin Malhotra.

Keeping in view the aforesaid facts, it would not be appropriate to interfere with the findings of fact arrived at by the Rent Controller as well as the Appellate Authority with respect to bona fide requirement.

As regards second argument, it may be noticed that the landlord has fulfilled the requirements of East Punjab Urban Rent Restriction Act, 1949 while disclosing his other properties. Furthermore, the Supreme Court in **Hindustan Petroleum Corporation Limited vs. Dilbahar Singh 2014 (9) SCC 78**, has held that the scope of revisional jurisdiction is narrow and the High Court while exercising the revisional jurisdiction is not expected to re-appreciate the evidence.

In view of the aforesaid facts, no ground to interfere is made out.

Hence, all the revision petitions are dismissed.

31.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE