

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7982 of 2016 (O&M)

Date of Decision: 15.03.2022

Raj Kumar Mahajan

... Petitioner(s)

Versus

Ritesh Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner(s).

Mr. Akhil Kashyap, Advocate
for Mr. Parveen K. Kataria, Advocate
for the respondent.

Anil Kshetarpal, J.

1. While assailing the concurrent findings of facts, arrived at by the Rent Controller as well as the Appellate Authority, the petitioner (tenant) has filed the present revision petition. The petitioner's eviction has been ordered on the ground of bonafide requirement of the landlord.

2. Heard the learned counsel representing the parties and with their able assistance, perused the paper-book.

3. The learned counsel representing the petitioner contends that in the absence of evidence of a family settlement, the respondent (landlord) had no *locus standi* to file the eviction petition. He submits that the landlord claims that the property in question has fallen to his share, whereas the various other shops have fallen to the share of Vijay Kumar, Ashok Kumar

and Raj Kumar (his brothers).

4. It is not in dispute that the petitioner, being tenant, has no *locus standi* to assail the correctness of a family settlement i.e. *inter se* between the family members. The tenant has not examined any other family member to prove that such family settlement, as alleged, was not genuine.

5. The next argument of the learned counsel representing the petitioner is with respect to the availability of other shop. It is noted here that it is the case of the landlord, himself, that he has been allocated only the shop in question. The landlord wants to run a bakery shop in that shop. Both the Courts below, as noticed above, have already ordered eviction, after finding that the requirement is genuine.

6. The scope of interference, in a revisional jurisdiction, is limited. Reliance in this regard can be placed on a five Judges Bench judgment of the Hon'ble Supreme Court in *Hindustan Petroleum Corporation Limited v. Dilbahar Singh (2014) 9 SCC 78*. Hence, no ground is made out to interfere. Consequently, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 15, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No