

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7962 of 2013 (O&M)

Date of decision: 15.07.2022

Chaman Lal

...Petitioner

Versus

Harbans Singh

...Respondent

COC-2181-2014 (O&M)

Chaman Lal

...Petitioner

Versus

Harbans Singh & Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S.Chawla, Advocate
for the petitioner.

Mr. Nikhil Kumar Vashisht, Advocate for
Mr. Gourav G.S.Chauhan, Advocate
for the respondent.

ANIL KSHETARPAL, J (Oral)

The petitioner is a tenant. He has been ordered to be evicted by both the authorities below as the landlord has been found to, bonafidely, require the premises for settling his grand son.

The learned counsel representing the petitioner submits that the landlord has various other commercial premises where he can settle his grand son.

On a court question, the learned counsel representing the petitioner has failed to draw the attention of the court to such defence having been pressed before the courts below.. Both the authorities have noticed the arguments of the learned counsel representing the tenant in detail, but no such point was ever pressed. No doubt, in the written

statement, the petitioner did take this plea, however, never pressed the same.

In view of five Judge Bench judgment of the Hon'ble Supreme Court in **Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh (2014) 9 SCC 78**, the revisional Court can interfere only if the judgments passed by the authorities are perverse or there is material irregularity. It would not be appropriate to permit a point to be taken up for the first time in a revision petition, which is otherwise based on appreciation of evidence.

Hence, dismissed.

C.O.C.P. NO.2181 of 2014

In view of the order passed in Civil Revision no.7962 of 2013, the COCP No.2181 of 2014, containing allegation of violation of the interim order is also rendered infructuous.

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

July 15, 2022
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(ANIL KSHETARPAL)
JUDGE

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