

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1358 of 2022 (O&M)

Date of Decision: 18.04.2022

Davinder Pal Chowdhary

... Petitioner(s)

Versus

Tarsem Singh Lally

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sudhir Paruthi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. While assailing the correctness of the concurrent findings of fact, arrived at by the Rent Controller as well as the Appellate Authority, the tenant has filed the present revision petition.

2. At the outset, it is important to note that the petitioner has admittedly shifted to the United States of America since the year 2014. The petitioner claims that he has handed over the possession of the tenanted premises to his relative with the consent of the landlord.

3. Both the Rent Controller as well as the Appellate Authority have ordered eviction of the petitioner on the ground that the landlord, bonafidely, requires the tenanted premises for constructing a departmental store as the property is residential-cum-commercial property. It is the case of the landlord that he resides on the outskirts of a small town of Goraya and now, he wants to shift to Jalandhar where the medical as well as the educational facilities are better.

4. Heard the learned counsel representing the petitioner and with his able assistance, perused the paper-book.

5. The learned counsel representing the petitioner contends that the respondent/landlord has a house in Goraya, apart from the agricultural land. He, hence, submits that the necessity of the landlord is not bonafide.

6. In the considered opinion of this Court, there is no substance in the present revision petition. The landlord has filed the eviction petition claiming that he intends to shift his residence to Jalandhar and has also filed other petitions against the various other tenants. He also wants to open a departmental store as a part of the property is non-residential. The landlord proved that fact by examining himself as PW.1, apart from Ravinder Singh, Halqa Patwari. Despite an opportunity given to the tenant to cross-examine the landlord, the learned counsel representing the petitioner has failed to impeach his credibility.

7. The scope of interference in the revisional jurisdiction is limited in view of the five Judges Bench judgment of the Supreme Court in *Hindustan Petroleum Corporation Limited v. Dilbahar Singh (2014) 9 SCC 78*.

8. In view of the above, no ground is made out to interfere. Hence, the present revision petition is dismissed.

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

(Anil Kshetarpal)
Judge

April 18, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No