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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2808-2022 (O&M)
Date of Decision: 01.12.2022

Amarpal @ Amanpal Singh

.. Petitioner

Vs.

Sunil Sharma and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner-Amarpal @ Amanpal Singh has filed this revision petition to challenge the judgment dated 13.05.2022 passed by the appellate Court, Tarn Taran, whereby the judgment of eviction dated 04.09.2017 passed by the Rent Controller, Tarn Taran upon a petition filed by respondent-landlord (Sunil Sharma), was upheld.

Learned counsel has argued that the petition for eviction filed by landlord was based upon the grounds of non-payment of rent from April, 2014 to September, 2014 as well as *bona fide* requirement for personal use and occupation of the shop in question and the tenants have been evicted by accepting the ground of personal necessity raised by the landlord. He submits that during the pendency of the appeal before the appellate authority, the demised premises was vacated on 28.12.2017 pursuant to the execution filed by the landlord, as no interim protection was granted by the appellate authority in favour of the tenants. He submits that though the first appeal has been dismissed on merits vide impugned judgment dated 13.05.2022, but the demised premises has not been utilized by the landlord

for the purpose set up in the eviction petition to seek eviction of the tenants. He submits that as per the pleadings, the landlord wanted to start the business of Handloom, but presently, the property in question is being used as a temple. He submits that on this sole ground, the petitioner seeks indulgence of this Court by exercise of revisional jurisdiction.

During the course of hearing, learned counsel for the petitioner fairly states that the rest of the findings recorded by the Rent Controller and upheld by appellate authority are not being questioned.

After hearing the learned counsel and considering the argument raised, this Court is of the opinion that the argument relating to the non-utilization of the property for the purpose for which the eviction of the tenant was sought was not raised before the appellate authority. Though at different stages, three applications under Order XLI Rule 27 CPC for leading additional evidence were filed by the tenants.

Thus, this Court is not inclined to entertain this argument, particularly when it is not the case of the tenants that after getting the shop vacated from the tenant, it has been let out to some other person.

No other argument was raised.

Resultantly, no case is made out for exercising the revisional jurisdiction.

Dismissed.

01.12.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No