

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CR-2033 of 2021(O&M)
Date of Order: 02.05.2022

Harish Kumar and another

..Petitioners

Versus

Airish and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny Kumar Singla, Advocate
for the petitioners.

Mr. Amit Jaiswal, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

The learned counsel representing the respondents has submitted that in execution of the order of eviction passed by both the courts below, the respondents have been delivered possession of the tenanted premises.

In any case, both the courts have ordered ejectment of the petitioners on the ground of bonafide necessity as the landlady intends to start her boutique. Further on 05.10.2021, the notice was issued only to explore the possibility of settlement. In any case, this Court has heard the learned counsels representing the parties.

While assailing the concurrent findings of fact arrived at by the Courts below, the tenants have filed the present revision petition.

Both the Courts after recording the concurrent findings that the tenanted premises is required by the landlady for her bonafide use and occupation, ordered the ejectment of the petitioners.

The learned counsel representing the petitioners contends that

the landlady purchased the premises only 4 months before the filing of the petition before the Rent Controller and she knew that the property is occupied by the tenants. He further contends that the previous petition filed by the erstwhile owner was dismissed in which house of the landlady appeared in evidence.

As per the provisions of the East Punjab Urban Rent Restriction Act, 1949, there is no bar in filing the petition after the owner has purchased the same. In some other States, the rent protection laws do prescribe for some period. However, in absence of a statutory prohibition, the landlord is entitled to file a petition seeking eviction of the tenant. The previous petition was filed by the erstwhile owner (landlord) claiming his personal necessity. Whereas the present petition has been filed by the landlady claiming her own bonafide requirement.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

May 02, 2022

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(ANIL KSHETARPAL)
JUDGE

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