

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6514 of 2019 (O&M)

Date of Decision: 20.12.2022

Surinder Pal Singh

... Petitioner(s)

Versus

Anil Kumar Sharma and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sanjay Tangri, Advocate
for the petitioner(s).

Mr. Shiv Kumar, Advocate
for the respondents.

Anil Kshetarpal, J.

1. Challenging the correctness of the concurrent findings of facts arrived at by the Rent Controller which has been affirmed by the Appellate Authority, the tenant has filed the present revision petition. Both the Authorities have ordered eviction of the petitioner on the ground of bonafide necessity of the landlords. This revision petition has been filed assailing the correctness of the aforesaid orders.

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

3. The learned counsel representing the petitioner contends that previously, the respondents' father filed a petition in the year 1993 which was dismissed. The aforesaid order was the subject matter of challenge in a revision petition before this Court but a fresh petition was filed by the

respondents. He further submits that there is evidence to prove that during

the pendency of the eviction petition, the adjoining property has been let out by the landlords.

4. This Court has considered the submissions of the learned counsel representing the petitioner. The respondents (landlords) claim the property on the basis of a registered gift deed executed by their father in the year 2008. The previous petition filed by the respondents' father in the year 1993, which was dismissed, would not debar the maintainability of fresh petition after a period of 18 years particularly when the respondents have now become the owners and the landlords of the premises in dispute. Though the learned counsel representing the petitioner submits that there is no relationship of the landlord and the tenant, however, the Rent Controller has specifically noticed that the petitioner while appearing in evidence did not dispute this fact. The correctness of the aforesaid finding has not been assailed before this Court.

5. As regards the argument of the learned counsel that some part of the property has been let out by the landlords during the pendency of the eviction petition, it would be noticed that the Appellate Authority has examined the aforesaid fact and found that the aforesaid property is on the back side of the front row of the shops. In these circumstances, the landlords cannot be forced to open their shop on the back side.

6. The last argument of the learned counsel representing the petitioner is to the effect that the property has been jointly gifted to the respondents by their father and they cannot file a petition unless there is a division amongst themselves (the respondents). Here is a case where the two brothers are the joint owners of the property. Both of them have filed the

7. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

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

(Anil Kshetarpal)
Judge

December 20, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No