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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4903-2022 (O&M)

Date of Decision: 09.12.2022

RAM SINGH

.. Petitioner

Vs.

KRISHAN LAL

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravinder Malik (Ravi), Advocate for applicant-petitioner.

...

Manoj Bajaj, J. (Oral)

CM-17153-CII-2022

This application has been filed under Section 151 CPC for staying the execution proceeding.

Learned counsel submits that the main case is fixed for 27.01.2023, but the respondent is pressing for execution. He prays that the main case be preponed for hearing, as notice in revision petition is yet to be issued.

Prayer accepted. Main case is preponed to today.

CR-4903-2022 (O&M)

Petitioner-Ram Singh has filed this revision petition to challenge the judgment dated 06.09.2022 passed by Appellate Authority, Ambala, whereby the judgment of eviction dated 28.03.2022 passed by Rent Controller, Naraingarh, upon a petition filed by respondent-landlord (Krishan Lal), has been upheld.

Learned counsel for the petitioner has argued that the demised property was being used as a shop by the petitioner/tenant ever since

commencement of tenancy in the year 1995 and through the impugned judgments passed by the Rent Controller and Appellate Authority, the tenant has been evicted by accepting landlord's ground of personal necessity and *bona fide* need. Learned counsel has argued that as per the landlord, he wants to include the demised property in his adjacently situated residential property. Learned counsel has vehemently argued that since the usage of the property is commercial, the landlord cannot seek eviction of tenant by changing the usage from non-residential to residential and in support of his argument, he has placed reliance upon decision dated 22.02.2011 delivered by this Court in **CR-7915-2010**, titled “***Satpal Chadha Vs. Satish Kumar and another***”. Learned counsel while pressing this sole argument prays for exercise of revisional jurisdiction, as according to him, the impugned judgment passed by appellate authority, affirming the judgment of eviction by Rent Controller is against the law.

After hearing the learned counsel and considering the submissions, this Court finds that the landlord was 57 years old when the property was let out to the tenant, who has now turned 84, therefore, he sought eviction of the petitioner for including this part of the property in the residential portion, as it has become difficult for him to reside at the first floor of the residential portion. During the course of hearing, learned counsel has produced the copy of the site plan (Ex.R1), which shows that the demised shop shown as 'GHIJ' separates this property from the residential property of landlord through a common wall, and with the passage of time, the family needs of the landlord have grown bigger, therefore, he sought the eviction of the tenant from the shop. The argument that since the property was being used as shop, therefore, it cannot be

vacated on the ground of different usage is without any merit, as concededly prior to the letting out of shop on rent to the petitioner, it was part of the residential house of the landlord. The decision relied upon by the learned counsel is not helpful to the case of petitioner/tenant, which is decided on the basis of facts and in the said case also, the demised property was originally residential in nature, but in the absence of any law, rules or regulations, it cannot be held that the landlord cannot revert the usage of the property to the original one. The Rent Controller as well as the appellate authority has carefully examined the pleadings and evidence on record while ordering eviction of tenant, and the impugned decisions based upon proper appreciation of evidence and do not suffer from any illegality or impropriety.

No other argument is raised.

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

Dismissed.

09.12.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No