

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1108 of 2015(O&M)

Date of decision:02.03.2022

Dalip Singh

...Petitioner

Versus

**Amar Nath Gupta through legal representative
Suman Gupta and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Inderjit Sharma, Advocate
for the petitioner.
Mr. Kulwant Singh, Advocate
for the respondents.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

This revision petition has been filed while assailing the correctness of the concurrent judgments passed by the Rent Controller as well as by the Appellate Authority while ordering eviction of the petitioner from the tenanted premises i.e. a shop, on the ground of bonafide personal necessity of the landlord.

The learned counsel representing the petitioner contends that the landlord died on 02.11.2014, therefore, the personal necessity ceased to exist. He submits that in view of the subsequent development, the orders passed by the Rent Controller as well as the Appellate Authority are required to be set aside.

Per contra, the learned counsel representing the legal representative of the original landlord, contends that while deciding the revision petition, the court is required to examine the legality and propriety

of the judgments. He further submits that the petitioner after successfully delaying the decision of the case for a period of more than 10 years, cannot be permitted to take advantage of the death of the landlord which is inevitable.

In the present case, a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, was filed on 24.10.2009. The rent controller, after examining the evidence, found merit in the case of the landlord and therefore ordered the ejectment of the petitioner.

The first appeal, filed by the tenant before the appellate authority, was also dismissed on 25.07.2014. The rights of the landlord not only crystallized on the date of filing of the revision petition but also at the time when the Rent Controller passed the order of eviction. The dispute in the present case is with regard to a small shop. The tenant cannot be permitted to take advantage of the delay. A revisional court is required to examine the correctness and legality of the order passed. The learned counsel representing the petitioner has failed to point out any error in the orders passed by the Rent controller as well as the Appellate Authority in this regard.

Hence, no ground to exercise the revisional jurisdiction is made out.

Dismissed.

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

March 02, 2022
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(ANIL KSHETARPAL)
JUDGE

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