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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5878-2022

DATE OF ORDER: 13.12.2022

Lal Bahadur

.....Petitioner

Vs.

Daman Chopra and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Deepak Agnihotri, Advocate for the
petitioner/tenant.
Mr. Divanshu Jain, Advocate for the
respondents/landlords.

Nidhi Gupta, J.

Present revision petition has been filed by the petitioner-tenant against order dated 07.10.2022 (Annexure P1) passed by the Appellate Authority, Chandigarh in Rent Appeal No.119 of 2017 whereby the eviction order dated 25.04.2017 passed by Rent Controller, Chandigarh against the petitioner has been upheld, and the petitioner's appeal has been dismissed.

Brief facts of the case are that the respondents-landlords filed Rent Petition No.896 of 2014 under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the Act") seeking ejection of the petitioner-tenant from the tin shed measuring 5'x10' situate at ground floor in plot No.108, Industrial Area, Phase-I, Chandigarh (hereinafter referred to as the "demised premises"), on grounds of non-payment of rent and personal necessity. It is the pleaded case of the respondents that they are in the business of newspaper publishing and they

need the demised premises to start their own printing press, as at present they have to get their newspaper printed elsewhere.

Learned counsel for the petitioner submits that the Authorities below are in error in ordering the eviction of the petitioner from the demised premises as personal necessity of the respondents-landlords is not made out as in fact, the respondents have rented out a part of the plot No. 108 to one *kabariwala* who purchases scrap items in the plot and the scrap goods are still lying in said plot No.108. It is stated that this fact has been admitted by the respondents in their reply of application for production of documents filed by the petitioner before the Appellate Authority. Reference is made to Para 7 thereof which is reproduced hereinbelow:-

“Para 7 is denied. It is denied that any tenant has been inducted in any of the premises which is got vacated from the tenant. In the open area, a care-taker was employed for the care of the building about 14-15 years back and he is dealing with kabari material for livelihood as the respondents are not paying anything for his service of taking care of the premises. No new tenant as alleged has been put in the building, otherwise also the averments made in this para are factually false & incorrect.”

No other argument is raised on behalf of the petitioner.

Mr. Divanshu Jain, Advocate appears on caveat on behalf of the respondents and vehemently opposes the submissions made on behalf of the petitioner-tenant. Learned counsel for respondents-landlords firstly submits that there were six other tenants in the plot No.108 who have all been evicted, and even their Civil Revision Petitions against orders of

eviction have been dismissed by this Court vide orders dated 17.05.2019 passed in **CR No. 3299/2019 Kuljit Singh Behal Vs. Daman Chopra (deceased) through LR and another; CR No. 3298/2019 Avtar Singh Vs. Daman Chopra (deceased) through LR and another; CR No. 3296/2019 Naresh Singh Vs. Daman Chopra (deceased) through LR and another; CR No. 3274/2019 Harish Makkar Vs. Daman Chopra (deceased) through LR and another; CR No. 3269/2019 Raj Kumar Vs. Daman Chopra (deceased) through LR and another; and CR No. 3399/2019 Ajaib Singh Vs. Daman Chopra (deceased) through LR and another.**

It is stated that all the above mentioned former tenants of the respondents have also handed over possession to the respondents, and the entire plot No. 108 is now in the possession of the respondents except for the demised premises. However, the petitioner has failed to mention this fact in this Revision Petition.

It is further stated that as evident from the aforementioned Para 7 of the reply reproduced hereinabove, no tenant has been inducted in the premises which have been got vacated from the tenants. Only a caretaker was employed about 15 years ago and the respondents are not paying anything for his service for taking care of the premises. It is further submitted that the bona fide requirement of the respondents-landlords is amply borne out from the record of the case, which findings the learned counsel for the petitioner has not been able to controvert in any manner.

Learned counsel further relies upon judgments of Hon'ble Supreme Court of India rendered in **Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil (SC) (Law Finder Doc ID # 237474)**; **Hindustan Petroleum Corporation Ltd. Vs. Dilbahar Singh (SC) (Law Finder Doc ID # 605484)**; **Harish Kumar (since deceased) through LRs Vs. Pankaj Kumar Garg (SC) (Law Finder Doc ID # 1952748)**; **Sarla Ahuja Vs. United India Insurance Company Ltd.(SC) (Law Finder Doc ID # 15701)**; and **Vikas Chatrath Vs. Salochana Devi (P&H) (Law Finder Doc ID # 499651)**; **Krishan Lal Sood Vs. Sharda Sharma (P&H) (Law Finder Doc ID # 135589)**; **Natha @ Jeewan Saini Vs. Ashok Kumar and another (P&H) (Law Finder Doc ID # 793037)**; **M/s Satpal Vijay Kumar Vs. Sushil Kumar (P&H) (Law Finder Doc ID # 243115)** passed by this Court, to submit that it is not open to this Court under Article 227 to interfere in the landlord-tenant matter. It is further stated that in view of the Constitution Bench judgment rendered by the Hon'ble Supreme Court in case of **Hindustan Petroleum Corporation Ltd. (Supra)**, the present petition is not maintainable as in a finding of fact recorded by Appellate Court, High Court has no power in a Revision Petition to re-appreciate evidence to come to a different conclusion.

I have heard learned counsel for the parties.

I find merit in the arguments advanced on behalf of the respondents. A perusal of the record of the case establishes the following facts; that the respondents are indisputably in the business of publishing newspaper under the name and style of "Chandigarh News"; that however, at present they are constrained to get the same published and printed from the printing unit of "Dainik Bhaskar" newspaper located at Sirhind, Punjab,

as they do not have their own printing press; and as such, the respondents require the demised premises for bona fide personal need in order to start their own printing press.

These facts are borne out from the evidence on record inasmuch as a) the newspaper of the respondents is duly registered as evident from Certificate of Registration Exhibit P4 dated 03.12.2013, which has been proved through the deposition of PW2 and PW4 Sh. Arjun Singh, Clerk from the office of SDM (East) Chandigarh. PW4 is an independent witness who has proved the said Certificate of Registration; b) Even further PW3, also an independent witness from newspaper Dainik Bhaskar, Chandigarh has also corroborated the stand of the respondents to the effect that they are getting their newspaper "Chandigarh News" published by "Dainik Bhaskar".

Accordingly, in my view, it is established on record beyond doubt that the respondents require the entire premises of plot No.108, Industrial Area, Phase-I, Chandigarh of which the demised premises is a part, for carrying out their business of publishing of newspaper as they wish to establish their own printing press on the said premises instead of getting the same published every week from "Dainik Bhaskar", Sirhind. Learned counsel for the petitioner is unable to controvert these findings.

Moreover, as has also been brought to the notice of this Court that vide the above mentioned orders dated 17.05.2019 passed by this Court in **Kuljit Singh Behal Vs. Daman Chopra (deceased) through LR and another (supra); Avtar Singh Vs. Daman Chopra (deceased) through LR and**

another (supra); Naresh Singh Vs. Daman Chopra (deceased) through LR and another (supra); Harish Makkar Vs. Daman Chopra (deceased) through LR and another (supra); Raj Kumar Vs. Daman Chopra (deceased) through LR and another (supra); and Ajaib Singh Vs. Daman Chopra (deceased) through LR and another (supra), all other six tenants have been evicted from the plot No. 108, and have even handed over possession to the respondents after Civil Revisions filed by these other tenants were dismissed by Co-ordinate Bench of this Court. It is also clear that except for the petitioner there is no other tenant on the plot No. 108 at the moment as the said rag picker was merely a caretaker of the building. Nothing has been placed on record or brought to the notice of this Court by Id. Counsel for the petitioner to prove otherwise.

Even otherwise, as per the aforementioned decisions rendered by the Hon’ble Supreme Court in **Hindustan Petroleum Corporation Ltd. Vs. Dilbahar Singh** (supra) and **Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil** (supra), it is not open to this Court to interfere in the cases of property rights and in disputes between private individuals unless there is infraction of statute or it can be shown that a private individual is acting in collusion with the Statutory Authority. That is not so in the present case.

Accordingly, finding no merit in this Revision Petition, the same is hereby dismissed. Pending applications if any, stand disposed of.

13.12.2022

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No