

CR-1093-2007 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1093-2007(O&M)

Reserved on:- 14.07.2023

Pronounced on:- 28.07.2023

Chander Kanta and Others

....Petitioners

Versus

Mool Chand Rajinder Kumar and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Anuj Raura, Advocate
for the petitioners.

Mr. Mandeep S. Sachdev, Advocate
for the respondents.

AMARJOT BHATTI, J.

1. The petitioners – Chander Kanta, Dinesh Kumar, Harish Kumar and Jatinder Kumar – all legal heirs of late Ashwani Kumar have filed civil revision against impugned judgment dated 09.12.2006 passed by Appellate Authority, Moga vide which the appeal preferred by Mool Chand Rajinder Kumar through Sh. Vijay Kumar, Sole Proprietor and in his personal capacity was accepted and the ejectment order passed by the Rent Controller, Moga vide order dated 11.03.2006 was set aside.

2. As per the facts of the case, the present petitioners are the legal heirs of Ashwani Kumar who had initially filed the ejectment petition against the respondents. During the pendency of that ejectment petition, Ashwani Kumar had expired and his legal heirs i.e. the present petitioners were impleaded as party to this case. The facts of the case are that Ashwani Kumar filed petition under Section 13 of East Punjab Urban Rent

Restriction Act for the ejectment of respondents from the premises being

ground floor of the property bearing Municipal No. B-VIII-515, situated at Old Grain market with the boundaries as detailed in the petition. It is claimed that petitioner Ashwani Kumar is the landlord and owner of the property in question. The ground floor of the building was rented out to M/s Mool Chand Rajinder Kumar i.e. respondent No. 1 at annual rent of Rs. 4800/- in the year 1984. The respondents are liable to be ejected from the premises on the ground that respondent No. 1 has not paid the due house tax of Rs. 5,086/- levied by M.C. Moga despite repeated demand. The respondent No. 1 without the consent of the petitioner has sublet the premises to respondent No. 2 who is in possession of the same as a sub tenant. The respondents have committed such act that they have raised construction in front of the shop in the shape to *thara* which has impaired the value and utility of the premises without the consent of the landlord. The respondents have made material alteration in the building. They have removed the separating walls in the rooms and erected a pillar and has converted three rooms into a hall. They have closed the door towards the southern side permanently. Lastly, it was alleged that petitioner requires the premises for his own use and occupation as he is not occupying any other building within the municipal limits of Moga nor he has vacated any such building without sufficient cause after the commencement of East Punjab Urban Rent Restriction Act. The petitioner is to start his own business in the premises in question alongwith his two sons who are at present unemployed. Therefore, the premises are required for their own use and occupation. On the aforesaid grounds, it was prayed that the respondents may be ejected from the premises as detailed in the petition and they may be directed to handover the vacant possession in favour of the petitioner.

3. Notice of the petition was given to the respondents who contested the present petition and filed their joint written statement taking the preliminary objection alleging that an agreement was executed between Ashwani Kumar and M/s Mool Chand Rajinder Kumar on 23.08.1986, according to which the rate of rent was fixed @ Rs. 400/- per month alongwith other terms and conditions regarding tenancy. The case has been filed by Ashwani Kumar s/o Mangat Rai and it is wrongly claimed that Ashwani Kumar is son of Mangat Ram @ Mangat Rai. It is further mentioned that Saroj Rani is not a partner of M/s Mool Chand Rajinder Kumar any more. Rather, it is Vijay Kumar – respondent No. 2 who is the sole proprietor. The address of Vijay Kumar – respondent No. 2 has been wrongly mentioned at Village Lohra Partapura, Lambra, District Jalandhar, whereas, he is carrying on his business in the property in dispute. One notice was served through Sh. Varinder Kaship, Advocate on 08.10.1999 and reply to this notice was duly given. No notice is served upon them under Section 106 of the Transfer of Property Act. The site plan relied upon by the petitioner is incorrect. The petitioner has not come to the Court with clean hands. On merits, the respondents denied the petitioner as landlord or owner of the property in question. It is reiterated that the ground floor of the building was taken on rent at a monthly rent of Rs. 400/- and not @ Rs. 4,800/- per year. The property was rented out orally with effect from 01.01.1984 and the terms and conditions were reduced into writing vide agreement dated 23.08.1986. There is no ground available to the petitioners for the ejectment of respondents. It is denied that the respondents were to pay house tax as it was to be paid by the landlord as per the terms of agreement. However, in order to avoid any technicality of law, a sum of Rs. 5,086/- alongwith interest and cost

amounting to Rs. 5,300/- was tendered on the first date of hearing and it was accepted by the petitioner. In case the petitioner is unable to establish the relationship of landlord and tenant between the parties then he is liable to be prosecuted for making false allegations and they are entitled to recover the amount of house tax deposited by them. There is no question of sub-letting by respondent No. 1 to respondent No. 2 as respondent No. 2 is the sole proprietor of respondent No. 1. The business is still carried on by M/s Mool Chand Rajiner Kumar through Vijay Kumar – respondent No. 2 as sole proprietor. All the facts mentioned in the petition are wrong. The respondents have not raised any construction to impair the value and utility of the premises in question. This ground is false and not available to the petitioner. It is further denied that the respondents have made any material addition or alteration in the building. They have not removed any wall nor pillars have been constructed. The building is exactly in the same position as it was let out. Even otherwise, as per the terms of agreement, the respondent was at liberty to make addition and alteration at their own cost. The petitioner is not a landlord, therefore, there is no question of requiring the premises for his personal use and occupation. It is denied that he is not having any building within the Municipal limits of Moga or that he has not vacated any such building after the commencement of East Punjab Urban Rent Restriction Act. It is denied that the petitioner has any son or he alongwith them wants to start business in the premises in question. Otherwise also, they are not dependent on the petitioner. It was prayed that the application is misconceived, frivolous, vexatious and the same deserves to be dismissed with special cost of Rs. 50,000/-.

4. Rejoinder was filed by the petitioner where he reiterated his claim as detailed in the petition and denied the averments in the written

statement.

5. From the pleadings of the parties, following issues were framed by the Rent Controller on 17.07.2000 :-

- (1) *Whether respondent No. 1 sublet the premises in dispute to respondent No. 2 without the consent of petitioner? OPA*
- (2) *Whether respondents have impaired the value and utility of the demised premises without consent of petitioner? OPA*
- (3) *Whether respondents have made material alteration in the demised premises? OPA*
- (4) *Whether petitioner requires the demised premises for his personal use and occupation? OPA*
- (5) *Whether respondents are liable to be ejected from the demised premises? OPA*
- (6) *Whether petitioner got no locus standi to file the present petition? OPR*
- (7) *Whether agreement dated 23.08.86 executed between the parties, if so, its effect? OPR*
- (8) *Whether present petition is barred for want of notice under Section 106 of Transfer of Property Act? OPR*
- (9) *Relief.*

6. In order to prove the rent petition, the petitioners examined AW-1 Ramesh Vohra, Clerk, UCO Bank, Grain Market, Moga, AW2 Raj Kumar, Clerk, Oriental Bank of Commerce, Railway Road, Moga, AW3 Gurcharan Singh, Building Clerk, Municipal Council, Moga, AW4 Avinash Chander Garg, Draughtsman, AW5 Dinesh Kumar, AW6 Kalian Singh, Retired Executive Engineer, AW7 Ashwani Kumar. Thereafter, learned counsel for the petitioners closed the evidence.

7. In order to rebut the case of the petitioners, the respondents examined RW1 Kaur Sain, RW2 Ved Bhushan Aggarwal, Document Writer, Moga, RW3 Vijay Kumar (examined-in-chief), RW4 Shakti Pal Puri, RW5 Sanjiv Sharma, Finger Print and Handwriting Expert and RW6

Ram Pal (Power of Attorney Holder of RW3 – respondent No. 2 Vijay Kumar). Thereafter, learned counsel for the respondents closed the evidence.

8. In rebuttal evidence, the petitioners examined AW8 Jatinder Kumar son of Ashwani Kumar.

9. After hearing the arguments advanced by learned counsel for both the parties, the petition filed by the petitioners was allowed vide order dated 11.03.2006 and the respondents were directed to hand over the possession of the premises in question to the petitioners within a period of two months from the date of judgment. Feeling aggrieved of this order, the respondents filed Rent Appeal No. 48 dated 28.03.2006 against the order dated 11.03.2006 and the petitioners also filed Rent Appeal No. 49 dated 31.03.2006 under Section 15 of the East Punjab Urban Rent Restriction Act against the order dated 11.03.2006. Vide common judgment dated 09.12.2006, the appeal filed by the respondents was accepted and the claim of the petitioners was set aside by the Appellate Authority by accepting their appeal. Feeling aggrieved of this judgment, the present civil revision has been filed by the legal heirs of late Ashwani Kumar.

10. Learned counsel for the petitioners argued that the learned Appellate Authority has committed material illegality and impropriety while passing the impugned judgment vide which the findings of Issue No. 4 in the ejectment order against the respondents on the ground of personal necessity, passed by the learned Rent Controller, Moga has been reversed. It was the case of petitioners right from the beginning that they required the disputed premises for their own use and occupation. The facts of the case and the evidence on record were rightly considered by the learned Rent Controller and after appreciating the facts and circumstances of the

case as well as the law applicable there too, learned Rent Controller was pleased to order ejectment of the respondents from the premises in dispute. The petitioners in the ejectment application categorically stated that he was not occupying any other building within the municipal limits of Moga nor he had vacated any such building without sufficient cause after the commencement of East Punjab Urban Rent Restriction Act. The applicant – Ashwani Kumar wanted to start his business in the premises in dispute alongwith his two sons who were unemployed. Therefore, the premises were required for their own use and occupation. This fact was duly proved on record from the testimony of Ashwani Kumar, the petitioner as AW7. His version was supported from the testimony of Dinesh Kumar son of the petitioner who stepped into the witness box as AW5. During the pendency of the ejectment petition, Ashwani Kumar expired and all his legal heirs were impleaded as party to this case vide order dated 16.02.2004. The learned counsel for the petitioners further referred to the cross-examination of Ram Pal RW6 who stepped into the witness box as Power of Attorney Holder of the respondent No. 2 and further confirmed the version of the petitioner regarding the factual position explained by the petitioner. Therefore, by appreciating the evidence on record, the learned Rent Controller decided issue No. 4 in favour of the petitioners and against the respondents and accordingly, the ejectment order was passed vide order dated 11.03.2006. The learned Appellate Authority erroneously reversed the findings given by the learned Rent Controller on flimsy grounds. The evidence was misread and wrongly appreciated. There was no concealment of any fact from the learned Rent Controller nor there is anything on record that the petitioner Ashwani Kumar had any other premises within the municipal limits of Moga or he had vacated any premises without

justification. The petitioner Ashwani Kumar was having three sons. He categorically stated that he wanted to start his own business in the premises in dispute alongwith his two sons. To confirm these facts, Dinesh Kumar as AW5 and Ashwnai Kumar as AW7 have stepped into the witness box. The need of the petitioner now represented by his legal heirs was bonafide. It has come in the statement of Ashwani Kumar AW7 that prior to this, he was running a shop of stationery goods in Bhim Nagar, Nanak Nagri, Moga which was taken on rent. He further clarified that he has already received a notice from his landlord Bal Krishan Sharma to vacate the said premises. Therefore, he decided to start his business in the property in question. To support this argument, the learned counsel for the petitioners has relied upon the authority cited in **2007(1) R.C.R. (Rent) 405, Supreme Court of India**, in case titled “**Rishi Kumar Govil Versus Maqsoodan and others**”, where in that case “*the ejectment application was filed under the provisions of Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.*” In the aforesaid judgment, on the ground of bonafide requirement, it was explained that “*it is the choice of the landlord to choose the place for the business which is most suitable for him. He has complete freedom in the matter. Secondly, need of the landlord is to be seen on the date of application for release. Thirdly, the landlord is the best judge of his requirement and Courts have no concern to dictate the landlord as to how and in what manner he should live. The bonafide personal need is a question of fact and should not be normally interfered with.*” The learned counsel for the petitioners has also relied upon another authority of Coordinate Bench cited in **2011(2) R.C.R. (Civil) 82**, in case titled “**M/s Satpal Vijay Kumar Versus Sushil Kumar**”, where again it was held that “*it is the prerogative*

of the landlord to expand his business and in case the landlord asserts that he requires the tenanted premises to expand his business, his need must be presumed as bonafide and Rent Controller shall not proceed to presume that the alleged need is not bonafide.” It is argued that while deciding this case, the learned Rent Controller rightly appreciated the evidence on record and came to the conclusion that the petitioner/landlord now represented through legal heirs required the premises in dispute for his own personal use and occupation. The findings on Issue No. 4 were wrongly reversed by the learned Appellate Authority. It is prayed that the impugned judgment dated 09.12.2006 passed by learned Appellate Authority on Issue No. 4 may kindly be set aside by upholding the finding on Issue No. 4 passed by learned Rent Controller, Moga vide which the ejectment order was passed against the respondents/tenants.

11. On the other hand, the learned counsel for the respondents/tenant argued that the petitioners did not come to the Court with clean hands. Material facts were suppressed from the Court, as a result, the ejectment order was passed vide order dated 11.03.2006 which was reversed by the learned Appellate Authority by passing judgment dated 09.12.2006. The petitioner Ashwani Kumar while filing the ejectment petition claimed that he wanted to start his own business alongwith his two sons who were unemployed. However, the petitioner did not disclose that in-fact he was blessed with three sons. It was nowhere explained what kind of business the petitioner and his sons wanted to start in the premises in dispute. The petitioner wrongly claimed that his sons were unemployed and for this reason he alongwith his sons wanted to start a business in the demised shop. The version put-forward by the petitioner Ashwani Kumar now represented by his legal heirs was ambiguous and

vague. In-fact all the sons of the petitioner were already working and they were independent. The learned counsel for the respondents referred to the testimony of Dinesh Kumar AW5 who admitted during his cross-examination that he got married six years ago. He was having wife and children. He was working as a salesman with Deepak Iron Store, Moga for the last four years, drawing a salary of Rs. 2200/- per month and prior to this, he was working with respondent firm and was drawing salary of approximately Rs. 4000/- per month. Therefore, there is nothing on record to show that Dinesh Kumar AW5 was unemployed or dependent on his father. This witness during his further cross-examination admitted that his younger brother namely Harish Kumar was working in the stationery shop and he was having separate mess. From the evidence on record, it was rightly concluded by the learned Appellate Authority that the requirement of petitioner regarding demised premises for his own use and occupation was not bonafide. Therefore, by re-appreciating the facts and the evidence on record, the learned Appellate Authority rightly reversed the findings given by the learned Rent Controller regarding issue No. 4. It is further pointed out that after the death of Ashwani Kumar, the legal heirs were impleaded but no effort was made to amend the pleadings. In the ejectment petition filed by Ashwani Kumar, he nowhere stated that he was already running a stationery shop in rent premises. He tried to conceal this fact in order to get favourable order. The learned counsel for the respondents relied upon the authority cited in **2008(4) R.C.R.(Civil) 390 of the Hon'ble Supreme Court of India**, in case titled "**Ajit Singh & Anr. Versus Jit Ram & Anr.**", where in that case it was held "*where the landlord was seeking ejectment of tenant from non residential premises for the use of his son for business and in that case it was mandatory for*

son to plead and prove that he was not occupying any other such building and has not vacated such building without sufficient cause.” He has also relied upon the another authority cited in **2014(5) R.C.R.(Civil) 667 of this High Court**, in case titled “**Manmohan Lal Versus Shanti Parkash Jain**”, where it was reiterated that “*in case of eviction on personal necessity of a son as the ground for eviction of a tenant then there should be a pleading as to non-possession of any other residential premises as also non vacation of such premises within the town concerned and non-compliance of this statutory requirement was held to be fatal.*” It is argued that the petitioner/landlord now represented through his legal heirs tried to conceal all the material facts in order to justify his plea of bonafide necessity of the premises in dispute. The claim of the petitioner is falsified from his own testimony as well as from the testimony of his son. Therefore, the impugned judgment dated 09.12.2006 passed by learned Appellate Authority reversing the finding pertaining to Issue No. 4 does not require any interference and the civil revision filed by the petitioner Ashwani Kumar now represented through his legal heirs deserves dismissal.

12. I have considered the arguments advanced before me and I have also gone through the evidence on record carefully. Ashwani Kumar had filed ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act for the ejectment of respondents from the shop situated on the ground floor bearing M.C. No. B-VIII-515, Old Grain market, Moga as detailed in the petition. As per his version, he had rented out the premises in dispute in the year 1984 at the annual rate of Rs.4800/-.

The ejectment petition was filed on various grounds including the ground that he required the premises in dispute for his personal use and

occupation to start business alongwith his sons. The learned Rent Controller while deciding this ejectment petition passed the ejectment order on the basis of findings on Issue No. 4 vide order dated 11.03.2006. The learned Rent Controller came to the conclusion that the petitioner Ashwani Kumar now represented through his legal heirs required the premises for personal use and occupation. Feeling aggrieved of this ejectment order, Mool Chand Rajinder Kumar through his proprietor Vijay Kumar filed rent appeal bearing No. 48 dated 28.03.2006 vide which by accepting the appeal, the ejectment order was set aside by passing judgment dated 09.12.2006. Feeling aggrieved of this judgment, now the petitioner/landlord Ashwani Kumar now represented through his legal heirs filed the present civil revision. The present civil revision is argued only on the ground that the petitioners required the premises in dispute for their personal use and occupation and the findings given by the learned Rent Controller pertaining to issue No. 4 were wrongly reversed.

In order to appreciate the facts of the case, it is necessary to appreciate that initially the ejectment application was filed by Ashwani Kumar in his personal capacity on 17.11.1999 where he took the stand that the premises were rented out in favour of respondent No. 1 in the year 1984. In the written reply filed by the respondents, it was pleaded that tenancy was oral in 01.01.1984 and agreement was executed between Ashwani Kumar and M/s Mool Chand Rajinder Kumar on 23.08.1986. The learned counsel for respondents examined Ram Pal RW6 being Power of Attorney Holder of respondent No. 2 Vijay Kumar who during his cross-examination admitted that he is working as a servant with M/s Mool Chand Rajinder Kumar – respondent No. 1 since the date of tenancy i.e. from the year 1984. Therefore, the respondents are the tenants in the

premises in dispute since the year 1984 and the ejectment application was filed by Ashwani Kumar on 17.11.1999 (after a period of about 15 years). During the pendency of this case, Ashwani Kumar, the landlord expired and his legal heirs were impleaded as party to this case vide order dated 16.02.2004. Now, the legal heirs of Ashwani Kumar are contesting their claim for the ejectment of respondents from the premises in dispute.

Ashwani Kumar while filing this ejectment application took the stand that he required the premises for his own use and occupation as he is not occupying any other building within the municipal limits of Moga nor he has vacated any such building without sufficient cause after the commencement of East Punjab Urban Rent Restriction Act. The petitioner wanted to start his own business in the premises in question alongwith his two sons who were unemployed at that time and they had to start their own business in the premises in question. In order to establish this ground for ejectment, Ashwani Kumar stepped into the witness box as AW7. He categorically stated in his examination-in-chief that he had three sons, elder son was working in a shop with monthly salary of Rs. 2200/-. He was married and was unable to maintain his family in a salary of Rs. 2200/- per month. He further deposed that he and his two sons were running a small stationery shop at Bhim Nagar, Nanak Nagri, Moga. The said shop was with him on rent. He further produced one notice dated 25.09.1999 Ex.A11 received by him from his landlord Bal Krishan Sharma to vacate the shop. The postal envelope was produced as Ex.A12. Ashwani Kumar categorically stated that he alongwith his three sons wanted to start business in the premises in dispute. He categorically stated that he does not have any other commercial property within the municipal limits of Moga nor he has vacated the same without reasonable cause.

To rebut the claim of Ashwani Kumar – petitioner, Vijay Kumar – respondent No. 2 had stepped into the witness box as RW3 but he did not appear for his cross-examination, therefore, his statement cannot be read into evidence. Thereafter, Ram Pal as Power of Attorney Holder on behalf of Vijay Kumar stepped into the witness box as RW6 who during his cross-examination admitted that Ashwani Kumar – petitioner is the owner-cum-landlord of the shop. He further admitted that except the shop in dispute, Ashwani Kumar or his sons have no other shop in Moga. It is further admitted that Ashwani Kumar was doing business of stationery goods in a rented shop in Bhim Nagar Camp. It is admitted that ground floor i.e. the premises in dispute is commercial area, whereas, the second floor is the residential premises where the petitioners are residing. There is nothing on record to show that either the petitioner – Ashwani Kumar or his sons concealed any material facts from the Rent Controller. The learned counsel for petitioners also examined Dinesh Kumar AW5 who confirmed the facts stated by his father Ashwani Kumar as AW7 that he was working as a salesman with Deepak Iron Store, getting salary of Rs. 2200/- per month. He was unable to maintain his family out of this income. Therefore, he alongwith his father wanted to start their own business in the premises in dispute. The learned Rent Controller, Moga while appreciating the evidence produced on record came to the conclusion that the landlord required the premises for personal use and occupation and passed the ejectment order by giving finding on issue No. 4 in favour of the landlord and against the respondents/tenants. The aforesaid finding is reversed by the learned Appellate Authority by passing judgment dated 09.12.2006. I have gone through the findings recorded by the learned Appellate Authority. In my opinion, the learned Appellate

Authority wrongly came to the conclusion that the landlord concealed material facts or that the sons of Ashwani Kumar were already working. Therefore, there was no genuine, bonafide requirement of the landlord for the eviction of tenant from the premises in dispute. In-fact, the statements of Ashwani Kumar AW7 and his son Dinesh Kumar AW5 are clear and no fact has been concealed from the learned Rent Controller. The version put forward by Ashwani Kumar AW7 is confirmed by Ram Pal as RW6. There is nothing on record to show that Ashwani Kumar was having any premises within the municipal limits of Moga nor there is anything on record to show that he has vacated any such premises after the coming into force of East Punjab Urban Rent Restriction Act. Ashwani Kumar was blessed with three sons. At the time of filing of ejectment application, one of the son that is Dinesh Kumar was working in a shop as a salesman who stepped into the witness box as AW5. The other two sons were working with him at a stationery shop at Bhim Nagar, Nanak Nagri, Moga. Ashwani Kumar AW7 placed on record one legal notice dated 25.09.1999 sent by landlord Bal Krishan Sharma Ex.A11 requesting the tenant to vacate the premises. Thereafter, Ashwani Kumar filed the present ejectment application on 17.11.1999 seeking ejectment of the respondents from the premises in dispute for his personal use and occupation to start business with his grown up sons. Even otherwise, it was moral duty of Ashwani Kumar to settle down his sons. On this point, I rely upon the authority cited in **2014(15) SCC 610, Supreme Court of India**, in case titled “**Anil Bajaj and another Versus Vinod Ahuja**”, where in that case *“the landlord was seeking eviction of tenant from shop on the ground of bonafide requirement. The landlord was carrying on his business from a shop located in a narrow lane whereas the tenanted premises were located*

on the main road which the landlord considered to be more suitable for his own business. The landlord offered the smaller shop in exchange of premises in dispute where he wanted to run his own business. The tenant contended that the landlord had several other shops, houses from which he was carrying different businesses. It was again reiterated that as per the settled principle of law, it is not for the tenant to dictate to the landlord as to how the property belonging to the landlord should be utilized by him for the purpose of his business.” It was further held that *“the fact that the landlord was doing business from various other premises could not foreclose his right to seek eviction from the tenanted premises so long as he intends to use the said tenanted premises for his own business.”* On this point, there is another authority cited in **2017(2) R.C.R.(Rent) 1, Hon’ble Supreme Court of India**, in case titled “**Bhupinder Singh Bawa Versus Asha Devi**”, where in that case it was further concluded that *“mere fact that son of landlady was engaged as Director in a family company cannot be an impediment to his running an independent business.”* It was also held that *“in case no alternative premise was lying vacant for his running business, it is open to her to choose a more suitable premises for carrying on business by her son. Even in that case ground of bonafide necessity was established and order of eviction of tenant was held to be proper and sustained.”*

Therefore, considering the factual position, the need of the petitioner now represented through his sons was bonafide. The reasoning given by the learned Appellate Authority to reverse the finding of learned Rent Controller regarding issue No. 4 is neither convincing nor justified.

Therefore, in view of my above discussion, the finding given by the learned Appellate Authority, Moga pertaining to issue No. 4 in

judgment dated 09.12.2006 is accordingly set aside, by upholding the finding of learned Rent Controller, Moga on issue No. 4 vide which the ejectment order dated 11.03.2006 was passed and the civil revision preferred by the petitioners who are the legal heirs of Ashwani Kumar – landlord is accordingly, accepted.

Pending application(s), if any, shall stand(s) disposed of.

28.07.2023
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(AMARJOT BHATTI)
JUDGE

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