

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

129

2023:PHHC:132336

1. CR-1898-2013

Date of decision: 11.10.2023

NARINDER KUMAR

..Petitioner

Versus

JAGTAR SINGH

..Respondent

2. CR-1243-2019

NARINDER KUMAR

..Petitioner

Versus

JAGTAR SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Avnish Mittal, Advocate
for the petitioner.

Mr. Birinder Singh Khehar, Advocate
for respondent

ANIL KSHETARPAL, J(Oral)

1. Two connected civil revision petitions filed by the tenant have come up for final disposal. The learned counsel representing the parties are *ad idem* that once Civil Revision No.1898 of 2013 is decided, Civil Revision No.1243 of 2019 will become infructuous.

2. This is the tenant's revision petition against the concurrent orders of eviction passed by the learned Rent Controller, which in appeal was affirmed by the Appellate Authority.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbooks.

4. The learned counsel representing the petitioner contends that the respondent concealed the material facts from the Court and failed to

plead all the necessary ingredients. He submits that the landlord did not

disclose that he is owner of another commercial property. He further contends that a previous petition was filed by the landlord under Section 13-A of the East Punjab Urban Rent Restriction Act, 1949, was withdrawn.

5. On the other hand, the learned counsel representing the respondent submits that Ex.D-1 proves that the property bearing No.642 and 646 is a residential property and the respondent is not the owner of any other property. He further submits that in a family settlement, Shop No.141 (in dispute) fell to the share of the respondent who after retirement from the Municipal Council wishes to start his cement and hardware store.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. It has come on record from the deposition of the landlord as well as municipal record that the property comprised in Municipal No.642 and 646 are residential properties. In fact that property is located on the Arya College road and there is no evidence to prove that its front portion has been used for a commercial purpose. Hence, there is neither any concealment nor the respondent has failed to plead all the necessary ingredients. The respondent herein is a retired employee of the Municipal Council. In the evening of his life, he wants to remain active and earn in order to sustain and take care of the needs of his family members. In such circumstances, it is not appropriate for this Court to interfere with the concurrent orders passed by the Courts below particularly when a five Judge Bench in **Hindustan Petroleum Corporation Limited Vs. Dilbahar Singh (2014) 9 SCC 78**, had held that the scope of interference in revision petition is limited.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.
10. All the pending miscellaneous applications, if any, are also disposed of.

October 11th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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