

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.987 of 2018 (O&M)

Date of Order:20.10.2023

Agya Rani and others

.Petitioners

Versus

Ashok Aggarwal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. L.M.Gulati, Advocate, for the petitioners.

**Mr. Gagandeep Singh Sirphikhi, Advocate,
for the respondent.**

ANIL KSHETARPAL, J

1. The petitioners herein are tenants who have been ordered to be evicted by the Appellate Authority on the ground of bonafide necessity of the landlord. The Appellate Authority has found that the bonafide necessity of the landlord is genuine as he retired from Food Corporation of India and now he needs the premises for his own use and occupation.

2. The aforesaid order has been challenged in this revision petition.

3. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book

4. The learned counsel representing the petitioners contends that the bonafide requirement of the landlord is not genuine as he has purchased only 1/9th share in the shop in question. He further submits that the landlord has purchased the property in November, 2012 whereas he retired in the year 2004.

5. This court has considered the submissions of the learned

counsel representing the parties.

6. On the request of the court the learned counsel representing the respondent has read over the sale deed executed in favour of the respondent. It is evident that the sale deed is with respect to the shop in question and he has not purchased undivided share in the property. Even if the landlord has become co-owner still he is entitled to maintain the petition.

7. As regards the second argument, it may be noticed that the respondent-landlord retired in the year 2004. He in order to keep himself busy purchased the property to start business.

8. In these circumstances, it would not be appropriate to doubt the genuineness of the landlord's bonafide requirement. Moreover, the scope of interference in a revision petition is extremely narrow in view of the 5 Judges Bench judgment passed by the Supreme Court in *Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh*(2014) 9 SCC 78.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed.

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

October 20, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO