

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

CR-4373-2019 (O&M)

Date of decision: 22.08.2023

Anwar Hussain

..Petitioner

Versus

Ajmero Devi

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gurpreet Singh, Advocate for
Mr. Ramnish Puri, Advocate for the petitioner

Mr. Yash Dev Kaushik, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein, is a tenant, who has been ordered to be evicted by the Rent Controller, which in appeal, has been affirmed by the appellate authority. The eviction of the petitioner has been ordered on the ground that the landlady bonafidely requires the premises (shop) for settling her son.
2. Learned counsel representing the petitioner contends that during the pendency of the petition adjacent shop has fallen vacant and therefore, the landlady can utilize the same for settling her son.
3. On the other hand, the learned counsel representing the respondent submits that the landlady's son wants to open a shop of general merchandise and for that he needs a bigger shop.
4. This Court has considered the submissions made by the learned counsel representing the parties. It is well settled that the tenant cannot force the landlord to use the premises, which are not suitable for his/her requirement. Moreover, the scope of interference in the

revision petition against the concurrent orders passed by the authorities is limited in view of the Five Judge Bench judgment of the Supreme Court in **Hindustan Petroleum Corporation Limited vs. Dilbahar Singh'** (2014) 9 SCC 78.

- 5. Hence, dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

22.08.2023
rekha
Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(ANIL KSHETARPAL)
JUDGE