

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.5634 of 2022 (O&M)

Date of Order:21.11.2023

Parveen Lata

.Petitioner

Versus

Rajinder Kumar Gupta @ Rajinder Kumar

..Respondent

CR No.2843 of 2023

Rajinder Kumar Gupta @ Rajinder Kumar

.Petitioner

Versus

Parveen Lata

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Poonam Verma, Advocate
for the petitioner (in CR-5634 of 2022
for the respondent (in CR-2843 of 2023)

Mr. M.K.Mittal, Advocate
for the petitioner (in CR-2843 of 2023)
for the respondent (in CR-5634 of 2022)

ANIL KSHETARPAL, J

C.R. No.5634 of 2022

1. In this rent revision, the correctness of the concurrent orders passed by the Rent Controller which in appeal was affirmed by the appellate authority is being challenged by the tenant.

2. Her eviction has been ordered on the ground of bonafide necessity of the landlord (respondent). While filing the petition, the landlord asserted that he wants to start a consultancy business as he is a Diploma holder in Electrical Engineering and has sufficient knowledge of computers as is required in the business.

3. The tenant while defending the case asserted that various properties have been sold by the family of the landlord. It was asserted that the landlord himself has also sold a shop on 06.04.2015. In replication, the landlord explained that the aforesaid shop was in possession of Sh. Swarn Singh as a tenant and therefore the landlord had to sell the same in order to generate the required funds for starting the business.

4. When the landlord appeared in evidence, the learned counsel representing the tenant confronted him with the aforesaid sale deed. The landlord explained that the aforesaid shop was already in possession of Sh. Swarn Singh and therefore, the same was sold.

5. The learned counsel representing the petitioner contends that both the courts have overlooked the sale deed dated 06.04.2015. She submits that both the authorities have failed to examine the aforesaid sale deed in proper perspective.

6. On the other hand, the learned counsel representing the respondent submits that the landlord was forced to sell the shop in possession of tenant-Sh. Swarn Singh in order to generate funds for running business.

7. Though, the courts below have not examined the aforesaid issue appropriately, however, this court with the able assistance of the learned counsel representing the parties have examined the aforesaid contentions. The statement of the landlord has been read over in open court. He has disclosed that Sh. Swarn Singh was tenant in possession of the shop which was ultimately sold in favour of the tenant on 06.04.2015.

8. In these circumstances, it would not be appropriate for the court to doubt the bonafide necessity of the landlord only on the ground that the

shop in possession of a tenant has been sold by him. The learned counsel representing the petitioner submits that in the sale deed dated 06.04.2015, it has been recited that the possession of the property has been delivered to the purchaser. In fact, the tenant has failed to prove that Sh. Swarn Singh was not in possession of the property as a tenant. In these circumstances, the recital in the sale deed with respect to delivery of actual physical possession will be of no relevance.

9. Keeping in view the aforesaid facts and discussion, Civil Revision No.5634 of 2022, is dismissed.

C.R.No.2843 of 2023

10. The learned counsel representing the petitioner in Civil Revision No.2843 of 2023, submits that in view of the dismissal of the Civil Revision petition No.5634 of 2022, he does not press this revision petition.

11. Ordered accordingly.

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

November 21, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO