



CR No.3302 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr.No.204(2 cases)

Case No. : CR No.3302 of 2016

Date of Decision : May 21, 2024

Harbilas Singh

.... Petitioner

vs.

Yaqoob Ansari

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Manvinder Singh Sidhu, Advocate
for the petitioner.

Mr. Abdul Shehbaz Thind, Advocate
for the respondent.

* * *

GURBIR SINGH, J. :

1. The prayer in the present revision petition filed under Article 227 of the Constitution of India is for issuance of directions to the Appellate Authority to decide the **Rent Appeal No.4 of 2015** titled as **Yaqoob Ansari vs. Harbilas** within a stipulated period.

2. Brief facts of the case, as culled out from the paper book, are that on 18.10.2007, the petitioner-landlord filed an ejectment petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for brevity – the Act) against the respondent-tenant, for vacation of the property in dispute (fully detailed in the head note of the ejectment petition) on the allegations that the respondent-tenant had taken the demised shop on rent @ Rs.1100/- per month on 12.05.2006 and executed a written rent deed but

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petition. So, there is relationship of landlord and tenant between the parties. Apart from non-payment of rent, there were allegations against the tenant regarding non-payment of electricity charges, installation of PCO without landlord's consent, changing of wooden door to shutter and subletting. So, it was alleged that the tenant materially impaired the value and utility of the shop by changing its nature. The petitioner sought vacation of the shop on the ground of personal necessity as the petitioner, who was 70 years old and was a handicapped person, wanted to start some work in the shop in dispute. Moreover, he was facing harassment at the hands of the respondent on account of false complaints made by him to the police.

3. Upon notice, respondent-tenant appeared and contested the ejectment petition by filing written statement, wherein some preliminary objections were raised. It was submitted that the rent petition was not maintainable as the same was false and frivolous and petitioner had not approached the Court with clean hands. Averments of the petition were denied.

4. After framing of issues and appreciating the evidence on record, learned Rent Controller held that the petitioner was in bona fide personal necessity of the shop in question and accordingly, vide judgment dated 18.02.2015 (Annexure P-1), allowed the ejectment petition and respondent-tenant was directed to vacate and hand-over the vacant possession of the demised tenanted premises to the petitioner within a period of two month from the date of judgment i.e. 18.02.2015.

5. Feeling aggrieved, respondent-tenant preferred appeal i.e. **Rent Appeal No.4 of 2015** titled as **Yaqoob Ansari vs. Harbilas** against the



aforesaid judgment dated 18.02.2015. The said appeal is reported to be still pending before learned Appellate Authority.

6. Learned counsel for the petitioner submits that since the filing of the appeal, the petitioner is regularly appearing before the learned Appellate Authority but the respondent is lingering on the matter on one pretext or the other. He also filed an application for leading additional evidence and took dates to lead evidence. Thereafter, respondent filed another application for amendment of written statement. It was also brought to the notice of this Court that an application filed by the petitioner himself regarding payment of arrears of rent/mesne profits was allowed by the learned Appellate Authority but respondent has not done the needful and did not pay even a single penny as mesne profits to the petitioner. So, to put an end to the lis, petitioner has prayed that the appeal filed by the respondent be ordered to be decided expeditiously.

7. On the other hand, learned counsel for the respondent has vehemently opposed the contentions of learned counsel for the petitioner by submitting that he petitioner is having another shop which can be used for his personal use. So, there is no question of bona fide personal necessity. Moreover, the petitioner and his family are well-off whereas the respondent is tenant and is in such a position that if the shop in question is got vacated, he would be having no livelihood.

8. I have heard the rival contentions of both the parties and have carefully perused the case file.

9. Relationship of landlord and tenant between the parties is not disputed. It is also admitted fact that the petitioner is an old person of 70



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years of age and is also handicapped.

10. Keeping in view the peculiar circumstances of the case, especially the age of the petitioner, who is landlord but unable to enjoy the fruits of his own property, learned Appellate Authority is directed to decide the appeal filed by the respondent-tenant i.e. Rent Appeal No.4 of 2015 titled as Yaqoob Ansari vs. Harbilas within three months from the next date fixed in the appeal.

11. The present revision petition stands disposed of in the above terms.

12. Pending applications, if any, shall stand disposed of along with this judgment.

May 21, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.