

137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2253-2023 (O&M)

Date of decision: 30.01.2024

Vijay Singla and another

....Petitioners

Versus

Anubhav Sharma and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Shrey Goel, Advocate for the petitioners

Mr. Divanshu Jain, Advocate for respondent no.3

ANIL KSHETARPAL, J (Oral)

1. The tenants have been ordered to be evicted, on the ground of bonafide necessity of the landlords by the Rent Controller, which in appeal has been affirmed by the appellate authority. The correctness of the aforesaid order has been challenged in this rent revision petition.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. Learned counsel representing the petitioners contends that on back portion of SCO No. 816 Sh.Prem Kumar was in possession of the premises and a petition for his eviction was also filed by the landlords, in which a compromise was arrived at and Sh. Prem Kumar was required to hand over the vacant possession to the landlords on 31st January, 2020, which was not honoured. The

landlords filed an execution petition, which was dismissed in default on 18th August, 2023. He further submits that the adjoining premises i.e. SCO No. 815 is also owned by the landlords. He submits that Sh.Sudish Goyal, the tenant of SCO No. 815 has already vacated the aforesaid premises and the same is lying vacant.

4. On the other hand, learned counsel representing the respondent submits that SCO Nos. 815 and 816 is one single unit. He submits that Sh. Prem Kumar was the tenant over 90 square feet area towards rear side of the showroom and he has already handed over vacant possession of the same. He relies upon an affidavit executed by Sh. Prem Kumar on 27 January, 2024. He further submits that there are as many as six owners/ landlords. Sh.Narendra Sharma is an Engineer and is running a business from the 2nd floor of the tenanted premises. He wants to shift to the ground floor. Whereas Sh. Abhishek Sharma is a self employed designer and is working from his house. He wants to shift to a commercial premises in order to expand his business. He further submits that the entire premises is required and the portion vacated by Sh. Sudish Goyal is not sufficient to fulfill the requirements of the landlords.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. The scope of interference in the revision petition is extremely limited in view of the judgement passed by Five Judge bench in **Hindustan Petroleum Corporation Limited vs. Dilbahar Singh' (2014) 9 SCC 78**. In the absence of any substantive error or

purposes perversity, the Revisional Court is not expected to interfere.

7. It is the positive case of the landlords that the premises is a single unit, which has been assigned two SCO numbers i.e. 815 and 816.. Sh. Prem Kumar was only in possession of 90 square feet area, which is stated to have already been vacated. As far as the portion of the premises vacated by Sh. Sudish Goyal is concerned, it is the case of the landlords that the same can only be used once the petitioner vacates the same. Both the courts on appreciation of the evidence have concurrently found that the necessity of the landlords is bonafide.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Hence, dismissed accordingly.

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

30.01.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE