



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

CR-380-2021 (O&M)

Date of decision: 13.09.2024

M/s Balbir Chand (deceased) through LRs

....Petitioner

Versus

Ram Chander Vashisht

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. B.S.Jaswal, Advocate for the petitioner

Mr.Amit Bhanot, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed by the tenant to assail the correctness of the appellate authority's order directing his eviction on the ground of bonafide personal necessity of the landlord (respondent).

2. Learned counsel representing the petitioner has made the following submissions:-

i) The family settlement, which was acknowledged in a civil court decree dated 29.03.2014, is a sham transaction because the respondent did not join his sisters in the family settlement.

ii) The respondent alongwith his family is settled in Italy and there is no likelihood of him returning to India.

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



4. Originally, the property belonged to a firm. After the death of a partner, there was family settlement between the male members of the family which was acknowledged by way of a civil court decree passed on 29.03.2014. The petitioner, being tenant, has no locus to challenge the correctness of the aforesaid decree, particularly when the respondent being co-owner, can file the petition without civil court decree.

4. In this case, the respondent not only filed the petition but also appeared in evidence to prove his bona fide necessity, while giving opportunity to the petitioner to cross-examine the witness. However, the learned counsel representing the petitioner failed to impeach his credibility. The respondent claims that he is unemployed in Italy and therefore, he wishes to return to his motherland. There is no reason to doubt his intentions.

5. In the end, learned counsel representing the petitioner submits that proceedings under East Punjab Urban Rent Restriction Act, 1949 were not maintainable in view of the Punjab Rent Act, 1995 which came into force w.e.f 26.03.1998. Admittedly, the petitioner never objected to the maintainability of the petition before the courts below on this ground. Moreover, the petitioner has failed to prove any prejudice. The tenant is liable to be evicted on the ground of bonafide necessity in both the Acts. Additionally, the scope of interference in a rent revision petition is extremely limited in view of **Hindustan Petroleum Corporation Limited vs. Dilbahar Singh' (2014) 9 SCC 78.**



- 6. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 7. Hence, dismissed.
- 8. All the pending miscellaneous applications, if any, are also disposed of.

13.09.2024
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No