



CR No. 4477 of 2023 (O&M) 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR No. 4477 of 2023 (O&M)
Date of Decision: 24.07.2024

Harmik SinghPetitioner

Versus

Neena AhujaRespondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Tejas Bansal, Advocate for the respondent.

ANIL KSHETARPAL, J.(ORAL)

CM-8677-CII-2024

In view of no objection by the learned counsel representing the respondent, the application is allowed and the amended grounds of revision are taken on record.

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1. The petitioner herein is the tenant who has been ordered to be evicted by the Appellate Court.

2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed. Respondent-Neena Ahuja has filed a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, seeking eviction of the petitioner from one shop bearing MCK No. 175/10 old, now ID No. 30CIU177, private No. 2, situated at Karnal Road, Kaithal on the ground of non-payment of rent and

the landlady requires the premises for the *bona fide* necessity of her son.

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3. The Rent Controller, Kaithal, dismissed the petition, however, the Appellate Authority, upon re-appreciation of evidence, found that the necessity of the landlady is *bona fide* as her son wants to shift to Kaithal to stay with his parents. The Court has found that the landlady requires two shops for *bona fide* necessity of her son. In this case, the landlady as well as her son appeared in evidence and stated that they require the premises for running their business.

4. Learned counsel representing the parties have been heard at length. The petitioner's counsel contends that the landlady is owner of various properties which have been rented out to the banks, Insurance Companies etc. He submits that the respondent's son is already working in Gurugram and is not likely to return to Kaithal.

5. This Court has considered the submissions of the learned counsel for the parties.

6. It is evident that the landlady is the owner of various other commercial premises, however, the same have already been rented out. Hence, the landlady does not have possession of other commercial premises. With reference to second argument, it is noticed that landlady as well as her son have consistently deposed that the son wishes to open his business in Kaithal.

7. Moreover, the scope of interference in the findings of fact arrived at by the Appellate Authority in exercise of revisional powers is extremely limited in view of Five Judge Bench in ***Hindustan Petroleum Corporation Limited versus Dilbahar Singh, (2014) 9 SCC 78***. There is hardly any ground to doubt the intention of the landlady.

8. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is



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dismissed.

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

24.07.2024

Rajeev (rvs)

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No