



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-5236-2024 (O&M)
Decided on: 17.09.2024

Mamta Sahni and others

...Petitioners

Versus

Sham Sunder

...Respondent

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Sharad Mehra, Advocate
for the petitioners.

RITU TAGORE, J.

1. This revision is against the order dated 28.08.2024, whereby an application (Annexure P-3), filed by petitioner-tenant for staying the proceedings in Rent Petition No.94 of 2018 titled 'Sham Sunder Vs. Mamta Sahni and others' has been dismissed.
2. Learned counsel for the petitioners submits that respondent/landlord had previously filed an ejectment petition (Annexure P-4) on the material ground of personal *bona fide* need and necessity of the demise premises. That petition was dismissed, with the Court findings that respondent-landlord failed to prove the aforesaid ground. The learned counsel contends that appeal preferred by the landlord was also dismissed and that a revision petition bearing CR No.3772 of 2006 is pending



adjudication before this Court. It is stated that on the same ground of *bona fide* personal necessity, the respondent-landlord has filed another petition (Annexure P-1). Learned counsel argues that until the revision petition *ibid* is decided, the proceedings in the petition (Annexure P-1) should be stayed as proceedings in the subsequent ejectment petition may not prejudice the rights of the petitioners in both the ejectment petitions.

3. I have heard the learned counsel for the petitioners and have gone through the paper book.

4. Learned Rent Controller while dismissing the application observed as follows: -

“After hearing the learned counsels for both the parties to the petition and perusing the judicial file, the Court has observed that earlier one petition filed by the petitioner was dismissed on the ground that the demised premises is not suitable for residential accommodation for which the petitioner has filed the petition for bonafide need. However, in the present petition, the petitioner has alleged that he needs the demised premises to carry out commercial activities for his livelihood and moreover, the Court has observed that in revision petition pending before Hon’ble Punjab and Haryana High Court regarding the earlier ejectment petition, no stay order has been passed and the cause of action has been changed in the present petition. Therefore, the Court has come to the conclusion that there is no grounds to stay the proceedings of the present petition. Accordingly, in the interest of justice, the present application stands dismissed being devoid of merits in it. Now, to come upon 06.09.2024 for respondent evidence, subject to last opportunity.”



5. It is a matter of record that respondent-landlord, filed an ejectment petition (Annexure A-1) against the petitioners-respondents on grounds namely i) non-payment of rent ii) non-payment of house tax, iii) subletting of the demised premises without the written consent of the petitioners and in violation of rent agreement iv) *bona fide* requirement of the demise premises for his own use and occupation, as detailed in para No.5(i to iv) of the petition.

6. The petitioners/respondents resisted the petition by taking several grounds including the filing of previous ejectment petition on the ground of personal need and necessity and its dismissal and the pendency of the revision petition before this Court. As evident from the impugned order the proceedings are going on before the learned Rent Controller, with the petition fixed for the respondents' evidence with last opportunity.

7. Considering the facts and circumstances discussed above, to the considered opinion of this Court, learned Rent Controller rightly observed that mere pendency of a revision petition is not the ground to stay the proceedings in the current ejectment proceeding. Furthermore, perusal of the pleadings of the present ejectment petition (Annexure P-1) show that in addition to the ground of *bona fide* personal need and necessity of the respondent-landlord, there are additional grounds in the current ejectment, such as non-payment of rent and house tax for the specified periods, as well as the ground of subletting, that were not taken in the earlier petition. The learned counsel for the petitioners could not refute the fact that the respondent- landlord has taken the additional grounds for the ejectment in the subsequent petition (Annexure P-1). In these circumstances, it cannot be



concluded that the subsequent ejectment petition (Annexure P-1) cannot proceed due to the matter being subjudiced in a revision petition, regarding the previous petition. As noted, the petitioners have already raised the issue regarding the dismissal of earlier ejectment petition. It is for the learned Rent Controller to adjudicate the impact or effect of the dismissal of the earlier petition, while assessing the evidence, if any, presented by the petitioners in this regard.

8. As a sequel to the foregoing discussion, it is held that the learned trial Court has rightly exercise the jurisdiction that vested in it and the order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any intervention by this Court. Accordingly, the revision petition is dismissed.

9. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

17.09.2024
Rimpal

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