

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****157****CR-5867-2023 (O&M)****Date of Decision : 09.12.2024**

Kartar Chand Chahwala

....Petitioner

VERSUS

Daljit Singh (deceased) through LRs

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Arora, Advocate for the petitioner.

Mr. R.S. Bajaj, Advocate for the caveator-respondents.

ALKA SARIN, J. (Oral)

1. Present revision petition has been preferred by the tenant-petitioner aggrieved by the concurrent orders dated 21.10.2019 and 05.08.2023 passed by the Rent Controller and the Appellate Authority, respectively.

2. The brief facts relevant to the present *lis* are that the landlord-respondents filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the 'Rent Act') seeking ejectment of the tenant-petitioner herein from a shop as detailed in the head-note of the petition forming part of House No.358-B. It was averred in the petition that mother of Daljit Singh, namely, Gurmeet Kaur, had purchased half share of house No.358-B comprised in Khasra No.23982/3012 situated at Mohalla Suraj Ganj, Nakodar Road, Jalandhar vide sale deed dated 28.03.1972. The said area was (four rooms) converted into four shops and the disputed shop fell to the share of Daljit Singh (respondent-landlord) in an oral partition. It was further averred that the tenant-petitioner took the shop

from Gurmeet Kaur at a monthly rent of Rs.200/- and the same was enhanced to Rs.800/-per month. After the demise of Gurmeet Kaur, the tenant-petitioner used to pay the rent to the landlord-respondents. The ejectment was sought on the grounds of arrears of rent, bonafide personal necessity of the two sons of Daljit Singh, namely, Arvinder Singh and Gagandeep Singh, as they intended to open a showroom in the demised shop for the sale of furniture and that the shop was in a dilapidated condition and was unfit for human habitation. On notice, the tenant-petitioner filed a reply raising various preliminary objections. On merits it was stated that the tenant-petitioner was inducted as a tenant by Kishan Singh son of Munsha Singh and he had been receiving the rent from the tenant-petitioner. It was further averred that the tenant-petitioner was ready to pay the rent as demanded by the landlord-respondents. The family partition was denied. It was further averred that both the sons of Daljit Singh were well-settled in Gujarat and that there were 03 other shops which were lying vacant. Rejoinder was filed. On the basis of the pleadings the following issues were framed :

1. Whether the respondent is liable to be ejected from the shop built in House No.358-B situated in Mohalla Suraj Ganj, Nakodar Road, Jalandhar for failure to pay arrears of rent of the demised premises since 01/01/2014? OPP
2. Whether shop in dispute is bonafidely required by petitioner for his own use and occupation ? OPP
3. Whether shop in dispute is in dilapidated condition and has become unfit for human habitation ? OPP

4. Whether the present petition is not maintainable in the present form ? OPR
5. Whether the site plan attached with the petition is wrong and incorrect ? OPR
6. Whether the petitioner has got no cause of action to file the present petition ? OPR
7. Whether the present petition is bad for mis-joinder and nonjoinder of necessary parties ? OPR
8. Relief.

3. The Rent Controller vide order dated 21.10.2019 ordered eviction of the tenant-petitioner on the ground of bonafide personal necessity. Aggrieved by the same, an appeal was preferred which appeal was dismissed by the Appellate Authority vide order dated 05.08.2023. Hence, the present revision petition.

4. Learned counsel for the tenant-petitioner would contend that there are 03 other shops which are lying vacant and that the petition for ejectment of the tenant-petitioner was filed only in order to get the rent enhanced. It is further the contention that even the bonafide personal necessity was not made out as it was specifically pleaded by the tenant-petitioner that the sons of Daljit Singh were settled in Gujarat.

5. *Per contra* learned counsel for the caveator-landlord-respondents would contend that there is not an iota of evidence which has been led to show that the sons of Daljit Singh are settled in Gujarat. It is further the contention that there were 04 shops which were originally owned by the mother of Daljit Singh and only one shop came to him in an oral

family partition. It is further the contention that the other 03 shops are not in the name of Daljit Singh and that the same are in the names of his brothers.

6. Heard.

7. In the present case though it has been vehemently argued by learned counsel for the tenant-petitioner that the sons of Daljit Singh were well-settled in Gujarat, however, it has candidly been admitted that there was no evidence led in this regard. Learned counsel for the tenant-petitioner even today is unable to point to any evidence which may have been led by the tenant-petitioner to belie the evidence led by the landlord-respondents qua the bonafide personal necessity. The argument of learned counsel for the tenant-petitioner that there are 03 other shops which are lying vacant also deserves to be rejected as learned counsel for the tenant-petitioner has not been able to point out to any evidence on the record to even remotely suggest that 03 shops are standing in the name of Daljit Singh. In the absence of any evidence led by the tenant-petitioner, no fault can be found with the orders passed by both the Authorities.

8. In view of the above, the present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

09.12.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO