



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.16428 of 2018 (O&M)

Date of Order:10.05.2024

Raj Kumar

.Petitioner

Versus

Krishan Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Tangri, Advocate
for the petitioner.

Mr. Sunil Kumar Garg, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. This revision petition has been filed by the tenant, who has been ordered to be evicted concurrently by the Rent Controller as well as Appellate Authority.

2. At the time of arguments, the learned counsel representing the petitioner submits that the respondent's mother filed a petition seeking ejectment of another tenant from a shop measuring 7 feet x 13 feet for the requirement of the respondent. He submits that the respondent appeared in that petition and in that case the ejectment order has been passed and the possession has been delivered to the respondent's mother. Hence, the bonafide necessity of the petitioner has come to an end.

3. Per contra, the learned counsel representing the respondent submits that the shop in question is situated in the main market and has opening on two sides. He further submits that this shop measures 14 feet x 30 feet and the respondent owns only this shop. He submits that the

petitioner cannot force the respondent to occupy the shop which is owned by his mother which otherwise is also part of the house.

4. This court has considered the submissions of the learned counsel representing the parties.

5. The respondent is undisputedly owner of a shop in question. He filed a petition against the petitioner on 30.05.2013. Whereas, the respondent's mother filed the petition on 22.04.2014. It is evident that the petitioner has a right to occupy his own shop rather than being forced to occupy a small portion in a residential area.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed.

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

May 10, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO