

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124(2)

2024:PHHC:010678

CR-6758-2023 (O&M)
Date of decision: 25.01.2024

JOGINDER PAL (DECEASED) THROUGH LRS
AND ORS. ..Petitioners

Versus

PANDIT MANOHAR LAL SALWAN AND ORS. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mansur Ali, Advocate
Mr. Manmeet Singh, Advocate
and Mr. Raj Sumer Singh, Advocate
for the petitioners.

Mr. Dinesh Arora, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. Challenging the correctness of the concurrent orders passed by the Courts below, the tenant has filed the present revision petition. Both the authorities have found that the petitioner has ceased to occupy the tenanted premises for a period of more than four months before filing of the petition and the landlord requires the premises for his bonafide use and occupation. In order to prove that the tenant has ceased to occupy the premises, an official from the electricity supply company was examined. He produced electricity consumption invoices from December 2012 to August 2013. All these bills were issued on the basis of minimum monthly charges. When confronted with the aforesaid position, the learned counsel representing the tenant made an attempt to explain the position. It was submitted that they have opened a showroom in a bigger premises on the G.T. Road and therefore, the tenanted premises is being used only for storing and supplying some goods. Before the Appellate Authority, the petitioner produced

photograph, which proved that the property in question was lying close and one tea vendor has placed his stall in front of the shop in question. It has also come on record that average monthly bill of the property on G.T. Road is Rs.6,000/-, whereas, with regard to the tenanted property, the tenant is only paying minimum monthly charges. Furthermore, the petitioner did not produce any invoices to prove that the furniture manufactured by them is sold from this premises.

2. In the aforesaid situation, both the Courts held that the petitioner is liable to be evicted on the ground that the petitioner has ceased to occupy the premises without reasonable cause for period of four months before filing of the petition.

3. Both the Courts have also ordered eviction of the petitioner on the ground of bonafide necessity. It is the case of the landlord that they are already running their furniture business in Delhi and they wish to expand in their hometown by opening a showroom. They also have a residential house. Both the Courts have held that the necessity of the respondents is bonafide.

4. The learned counsel representing the petitioner contends that the respondents have already taken possession of the adjoining premises i.e. in CR-11649-2018, and therefore, the necessity is not genuine. He further submits that the tenanted premises is being used by the petitioner and there is no ceased to occupy.

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

6. In para 13(d), the respondent has specifically pleaded that another petition against the tenant on adjoining premises has been filed,

however, they still need this premises because they want to open showroom for display of furniture. In these circumstances, eviction of adjoining premises would not have any adverse impact on the present case.

7. With respect to the second argument, it may be noted that the provisions of the Rent Act enables the landlord to seek eviction of a tenant if the tenant ceases to occupy. The expression ‘ceases to occupy’ denotes that the tenant premises is not being used for the purpose, it was let out. Merely because some furniture is being stored in the premises is not sufficient to claim that there is no seizure to occupy.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.

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

January 25th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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