

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8436 of 2018 (O&M)
Date of Order:03.04.2024

Vikram

.Petitioner

Versus

Prem Dass

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. S.K.S.Bedi, Advocate
for the petitioner.**

**Ms. Anita Sharma, Advocate
for the respondent.**

ANIL KSHETARPAL, J

1. The petitioner here is a tenant, who has been ordered to be evicted concurrently by the Rent Controller as well as by the Appellate Authority.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

3. The learned counsel representing the petitioner has made two following submissions:-

(i) As per order dated 27.03.2019, the respondent-landlord has given up his right to seek eviction on the ground of bonafide necessity.

(ii) During the pendency of the eviction petition, the landlord has been successful in getting possession of six shops as per the orders of the Court.

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

5. The learned counsel representing the petitioner relies upon paragraph 3 of the order dated 27.03.2019, which reads as under:-

3. The strange aspect of the matter however, is that when the Revision came up first of all before this Court on 14.12.2018, the Respondent/Landlord was already on Caveat, and his Ld. Counsel made verbal submission to the effect that the Petitioner was liable to be summarily evicted from the demised Shop-Room on account of non-payment of rent strictly in accordance with the earlier order passed by this Court in CR No.7215 of 2015 on 3.11.2015. In fine, the submission of the Respondent's counsel was that the aspect of bonafide/reasonable requirement of the Respondent/Landlord, against which the Petitioner/Tenant had also filed the Revision, was not at all required to be looked into, since the Petitioner in any event was liable to be evicted due to non-payment of rent/noncompliance of the concerned order passed in CR No.7215 of 2015. Interestingly, the submission made on behalf of the Respondent in this regard was totally verbal on account of which, this Court was constrained to direct the Respondent's counsel on 4.2.2019 to at least place on record her written notes of arguments on this particular submission, and also called for case record of CR No.7215 of 2015, which had already been disposed off in the meantime."

6. The learned counsel representing the respondent-landlord at that stage pressed for dismissal of the revision petition as the tenant did not pay the rent. However, the eviction of the petitioner has been ordered by both the courts below on twin grounds, namely, bonafide necessity of the landlord as well as non-payment. There was no statement by the landlord to give up the ground of bonafide necessity.

7. With regard to second submission, it may be noted that the Appellate Authority has taken note of this development. It has been noticed that the landlord has two sons, who are grown up and unemployed. The Appellate Authority examined the issue and found that the landlord wishes to demolish all these shops and construct two big showrooms in order to settle his children. There is no force in the second submission of the learned counsel representing the petitioner.

8. The scope of interference in a revision petition against the orders passed by the authorities under the Haryana Urban (Control of Rent & Eviction) Act, 1973 is limited in view of the five Judge Bench judgment passed by the Supreme Court in Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh(2014) 9 SCC 78.

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

10. Dismissed.

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

April 03, 2024
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(ANIL KSHETARPAL)
JUDGE

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