

**126 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.2926 of 2025****Date of Decision: May 14, 2025****Ashok Kumar****. . . . Petitioner**

Vs.

Smt. Asha Rani

. . . . RESPONDENT**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Jagat Vir Dhindsa, Advocate for the petitioner.

Mr. Hitesh Ghai, Advocate for the respondent-caveator.

DEEPAK GUPTA, J.

Petition under Section 13 of the East Punjab Urban Rent Restriction Act filed by petitioner-landlord - Asha Rani (*respondent herein*), seeking ejectment of tenant - Ashok Kumar, proprietor of M/s Ashoka Bal Bearing Store (petitioner herein) from the demised shop, detailed and described in the head note of the petition, was dismissed by learned Rent Controller, Ludhiana vide order dated 14.12.2018. However, the appeal preferred by landlord - Asha Rani was accepted by the Appellate Authority, who vide its order dated 31.01.2025 directed eviction of the tenant, i.e., petitioner herein.

2. Against aforesaid reversal, present revision petition has been filed by the tenant.

3. In order to avoid confusion, the parties shall be referred as "*landlord*" and "*tenant*".

4. Ejectment has been allowed on the ground of bonafide need of the landlord. Assailing the ejectment, it is contended by learned counsel for the tenant that landlord concedes the fact regarding occupation of other

properties and as such, she did not have bonafide requirement for the demised shop.

5. On the other hand, learned counsel for the respondent-caveator-landlord has drawn attention towards the fact that tenant himself is owning and is in occupation of much more property located just adjacent to the demised property and as such, there is no justification to interfere in the finding of the Appellate Authority.

6. After considering submissions of both the sides, this Court does not find merit in the present petition.

7. As has been found by the Appellate Authority, eviction has been sought in respect of shop Nos.3 and 4 forming part of property No.B-XIII-1707, Jagraon Bridge, Ludhiana, which is non-residential property and as per the evidence of the landlord, she required it for her son Sanjeev Kumar, who wants to run his independent business of karyana and confectionary by removing the intervening walls of the two shops. It has been found by the Court that though the landlord is having properties in Abdullapur Basti and Pakhowal Road, but these are residential in nature.

8. Not only this, it has been further found by the Appellate Authority that tenant is already in occupation of adjacent property bearing No.1708, Old G.T. Road, Ludhiana, which is in the name of his wife. Tenant also admitted during his evidence that he is having 03 more properties in his name, one of which is property bearing No.1708 adjoining to the demised property; second property situated at Maya Nagar, though he did not remember its municipal number and third property situated on the road of Shri Dukhniwaran Sahib Gurudwara, though he did not disclose its municipal number. As per his own admission, these properties are jointly owned by him and his wife. He also disclosed about the large area of property No.1708, Old G.T. Road, Ludhiana, which is in his occupation and area of which is much larger than the demised shops.

9. In the aforesaid facts and circumstances, learned Appellate Authority did not commit any error in setting aside the order of the Rent Controller and in ordering the ejectment of the tenant from the demised shops.

10. Faced with the aforesaid situation, learned counsel for the tenant -petitioner herein has sought a period of one year so as to vacate the property. Opposing the prayer, learned counsel for the landlord-respondent-caveator informs that after December, 2014 the tenant has not paid the rent, which is ₹200/- per month. He has also opposed the prayer for granting one year time to the tenant to vacate the demised property.

11. Having noticed submissions of both the sides, this Court orders as under:-

a. Petitioner- tenant shall vacate the demised property on or before 31.08.2025. However, this is subject to the following conditions:-

* He shall clear all the arrears, i.e., rent @ ₹200/- per month w.e.f. 01.01.2015 till 31.05.2025, within a period of 01 week from today by making the said payment to the landlady by way of a demand draft.

* In case, he fails to comply this order, the ejectment order as passed by the Appellate Authority shall come into force, immediately.

b. After making payment as per the aforesaid order, the tenant - petitioner herein shall be allowed to continue his possession till 31.08.2025, subject to the condition that he shall continue to pay the rent w.e.f. 01.06.2025 by first week of every month regularly.

c. It is further directed that in case, the tenant-petitioner herein fails to vacate the demised property up to

31.08.2025, then he will have to pay the mesne profits/user charges @ ₹ 50,000/- per month w.e.f. 01.09.2025 onwards till the actual possession of the demised property is delivered.

12. As it is informed that the execution is already pending, so it is directed that said execution shall be kept in abeyance by the concerned Appellate Court for providing opportunity to the tenant-petitioner herein to make compliance of this order.

Disposed of in above terms.

May 14, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No