

(1985) 04 P&H CK 0006

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 432 of 1985

Vinod Kumar

APPELLANT

Vs

Smt. Kulwati

RESPONDENT

Date of Decision: April 26, 1985

Citation: (1986) 1 RCR(Rent) 653

Hon'ble Judges: J.V. Gupta, J

Bench: Single Bench

Advocate: S.D. Sharma and Mr. Aditya Sharma, for the Appellant; H.L. Sarin and Mr. L.K. Aggarwal, for the Respondent

Final Decision: Dismissed

Judgement

J.V. Gupta, J.

This is tenant's revision petition against whom the eviction has been passed by both the authorities below.

2. The landlady Shrimati Kulwati, widow of Sher Singh, sought the ejectment of the tenant Vinod Kumar from the first floor of the house, in dispute, situated in Vakilan Bazar, Hissar. His ejectment therefrom was sought inter alia on the ground that she bona fide required the building, in dispute, for her personal use and occupation and that there was change of user thereof in-as-much as the tenant had started office therein Both the authorities below however found that there was change of user thereof by the tenant and that the landlady required the same for her own use and occupation bona-fide. Consequently, the eviction order was passed against him. Aggrieved against the same, he has come up in revision to this Court.

3. The only argument raised on behalf of the Petitioner is that the ejectment application is liable to be dismissed on the ground that the eviction petition was bad for partial eviction, as according to the Learned Counsel, barsati portion which it alleged to be in occupation of the tenant has not been included in the ejectment application.

4. After hearing the Learned Counsel for the Petitioner, I do not find any merit in this contention. This contention raised on behalf of the Petitioner has been negated by both the authorities below. A firm finding has been given by the Appellate Authority that two rooms, bath room and a kitchen on the first floor are under the tenancy of the Petitioner and if he was allowed to use the latrine on the barsati floor, it could at the most be said that he was doing so with the consent of the landlady, but it did not mean that the portion on the barsati floor was under his tenancy. Thus I do not find any merit in this contention.

5. An affidavit dated April 25, 1985, has been filed on behalf of the landlady to the effect that the tenant had already shifted to his new premises and even the telephone has also been got shifted there.

6. Consequently, this revision petition fails and is dismissed with costs. Costs assessed at Rs. 500/- .