



132 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-658-2025

Date of Decision: 11.09.2025

M/S KOCHAR CANVAS STORE AND OTHERS

....Petitioners

Versus

RAJESH GOGIA

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Brijender Kaushik, Advocate
 for the petitioners.

Parmod Goyal, J.

CM-18515-CII-2025 & CM-18524-CII-2025

The present applications for preponement and for stay are disposed of in view of the fact that matter is being decided today itself.

Main Case

Petitioners/tenants are aggrieved by judgment dated 30.01.2018, passed by learned Rent Controller, Ambala as well as judgment dated 19.09.2024, passed by learned Appellate Authority, Ambala vide which rent petition for eviction under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as 'Rent Act') preferred by landlord was allowed, on the ground of *bona fide* need and necessity and respondents were directed to vacate the demised premises within three months.

2. First appeal against judgment dated 30.01.2018, preferred by petitioners had also not found favour with the Appellate Authority vide judgment dated 19.09.2024. Both the Courts have concurrently found that requirement of landlord is *bona fide*.



3. It was the case of landlord that he was tenant in Shop No.5190 situated in Sadar Bazar, Durga Charan Road, Ambala Cantt, owned by Smt. Usha Devi Sharma. His landlord had filed an eviction petition against him, wherein he was evicted from the said shop. Even appeal as well as revision against his eviction have been decided upto the Hon'ble High Court. The Hon'ble High Court vide its order dated 19.07.2013, had granted him time till 31.01.2015, to vacate the said shop and hand over possession thereof to Smt. Usha Devi Sharma, subject to payment of Rs.20,000/- per month as mesne profit. That thereafter, landlord had taken Shop No.5680 at Guru Nanak Marg, Cross Road No.8, Ambala Cantt, on a monthly rent of @Rs.8,000/-. He asserts that tenanted shop in possession of petitioners-tenants is required for his personal *bona fide* needs. Petitioners-tenants had contested the requirement of landlord, on the ground that building is a non-residential building and, therefore, cannot be vacated on the ground of personal necessity as there is no provision under the Rent Act.

4. Learned Courts below after relying upon judgment of the Hon'ble Supreme Court titled as **Harbilas Rai Bansal & Anr. Versus State of Punjab**, 1995 (2) RCR Rent 672, held that landlord of non-residential building is entitled to seek eviction of tenant for *bona fide* use and occupation. The argument that petitioner is one of the LR of Nihal Chand, who was the original landlord and other LRs have not come to seek eviction, therefore, application for eviction petition is not maintainable was also duly considered and rightly rejected by learned Courts below.

5. Every co-owner is owner of every part of property till property



is divided amongst the co-owners. One or all can seek eviction of tenant in regard to joint property. Reliance has been rightly placed upon the judgments titled **Aanchal Mishra Versus Shanker Singh Rathore**, 2011 (1) RCR (Rent) 247 and **Ganesh Mishra Versus Savitri Devi**, 2009 (2) RCR (Rent) 176 and **Om Prakash & Anr. Vs. Mishri Lal (Dead) represented by his LR Savitri Devi**, 2017 (2) CCC 784 (SC).

6. From the evidence led by landlord, his personal *bona fide* need has duly been established. There is no material to conclude that landlord was not entitled to seek eviction for his *bona fide* and personal requirement, admittedly respondent owns double storeyed building bearing property No.3319 at Kacha Bazar, Sadar Bazar and is in possession of same.

7. Faced with the above conclusion and on his failure to show defect in the judgments passed by the Court of learned Rent Controller, Ambala and learned Appellate Court, Ambala, learned counsel for petitioners argued that even respondent/landlord got opportunity to vacate the shop and was granted two years' time by the Court and therefore, he be also granted at least one year time to vacate the premises. He has made reference to revision petition relating to eviction of adjoining shop bearing No.5680 wherein notice of motion has been issued on the issue of granting some time for vacation of tenanted premises in said case. However, it is worth noticing that two years' time was granted to the landlord in 2013 and in 2015 landlord had already vacated the said shop and had to rent out another shop at the monthly rent of Rs.8,000/-. Moreover, it is pertinent to note that learned Appellate Authority, Ambala had dismissed the appeal



preferred by the petitioner-tenant on 19.09.2024 and present revision petition was filed on 11.11.2024. However, perusal of orders dated 03.02.2025, 28.02.2025, 28.05.2025, 06.08.2025 and 20.08.2025 goes to show that learned counsel for the petitioner had not argued the case, even at motion stage.

7. Till today, notice of motion has not been issued in the present revision petition as learned counsel for petitioners was not ready to argue and has been repeatedly taking adjournment on various grounds. It seems that it is a ploy to delay the matter and it is only when the case was fixed before the Executing Court on 12.09.2025, applications for preponement as well as for stay have been preferred on 10.09.2025. In the interest of justice, both the applications were allowed and matter was heard on merits.

8. Petitioner has already availed sufficient time to vacate the shop during the pendency of his appeal as well as after passing of judgment by learned Appellate Court. Almost one year has passed since the judgment of eviction was passed by learned Appellate Authority. Therefore, request for further time is not *bona fide* and it is only to harass landlord.

9. No case for further grant of time is made out and, therefore, application for stay as well as the present petition are dismissed being without merit.

11.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No