

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 1280 of 2011 (O&M)
Date of Decision: 26.3.2015.**

Kulbir Singh Sara (deceased) through LRsPetitioner

Versus

Santosh PuriRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Lalli, Advocate
for the petitioner.

Mr. Kunal Mulwani, Advocate
for the respondent.

SABINA, J.

Respondent had filed the petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 ('Act' for short) seeking ejectment of the petitioner (since deceased). The learned Rent Controller vide order dated 9.12.2005 dismissed the ejectment petition. Aggrieved against the said order, respondent preferred an appeal and the same was allowed by the Appellate Authority vide judgment dated 8.1.2011 on the ground of personal necessity. Hence, the present petition by the tenant.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondent had filed the petition under Section 13 of

the Act seeking ejectment of the tenant from the residential premises in question on the ground that tenant was in arrears of rent and the respondent required the premises in question for her own personal use and occupation.

Case of the landlady was that her son Vijay wanted to settle at Chandigarh and start his business. Tenant, on appearance before the Rent Controller, rendered the arrears of rent and in the written statement denied the other contentions in the ejectment petition.

Respondent while appearing in the witness box, deposed as per the contents of the ejectment petition. She further deposed that she would not sell the house in question to anybody as it was required by her for her personal use and occupation. She also stated that the house in question was the only house available with her and she stated that she did not press the ground of ejectment on account of non-payment of rent. Tenant while appearing in the witness box, deposed as per the contents of his reply.

Thus, in the present case, the case of the respondent was that her son Vijay, who was presently residing in United Kingdom, wanted to settle in Chandigarh. There is nothing on record to suggest that the need put-forth by the landlady was not genuine. Moreover, it is a settled proposition of law that the landlady is the best judge qua her needs and requirements. The landlady had specifically deposed that she had no other house or residential property in Chandigarh where her son could shift.

In the facts and circumstances, the learned Appellate Authority had rightly ordered the ejectment of the petitioner from the residential premises in question on the ground that the same was required by the landlady for her personal use and occupation.

No ground for interference is made out.
Dismissed.

(SABINA)
JUDGE

March 26, 2015
Gurpreet