

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

CR No. 1314 of 2005 (O&M)

Date of decision: August 5, 2015

Randhir Singh Rohilla

...Petitioner

Versus

Rajbir

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Himanshu Jawa, Advocate,
for the petitioner.

Mr. Gorakh Nath, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The petitioner, who is the landlord, obtained an order of eviction at the Rent Controller on his plea of personal necessity. The Appellate Authority reversed the decision making a reference to the admission of the landlord that he had still one shop lying vacant and that he got vacated a few shops and let out the same after the commencement of the Act.

2. The Appellate Authority observed that the admission was the best evidence and did not require any further proof. If he had already let out two shops to Tahir and other situated in the same vicinity and he also had one vacant shop, the petition for ejectment betrayed lack of bonafides. The learned counsel would argue that the court's observations that the landlord cannot obtain eviction of commercial property was wrong. In fact, there is

no such observations and the argument is purely in the air. The counsel would refer me to a decision in Anil Bajaj and another Vs. Vinod Ahuja 2014 VII AD (SC) 158 where the court was holding that if the landlord was carrying on his business from shop premises located in a narrow lane and the tenant is in occupation of the premises located on the main road, which the landlord considers to be more suitable for his own business, eviction could be ordered. The learned counsel would also refer to me to yet another decision of the Delhi High Court in Bhupinder Singh Bawa Versus Asha Devi 2014 (2014) Delhi Law Times 745 which considered the issue of bonafide requirement under the Delhi Rent Control Act. I do not think it is necessary to make any observations of Delhi High Court, for, it is irrelevant for my consideration.

3. The situation where the landlord gives averments in the petition of existence of other shops which are vacant and which are said to be unsuitable, court is bound to consider the unsuitability of the other premises in the manner of how a witness speaks about. If there is not even a plea about the existence of the other shop the case is required to be thrown out on that short ground, for, there is legal imperative under the provisions of the Haryana Urban Control of Rent Restriction Act, 1973 that the landlord who seeks for eviction of a non-residential property is required to state that he has not vacated any building without reasonable cause and that he is not already in his own possession of any other building. The landlord who makes no such averment relating to the existence of other building cannot be permitted to state in evidence after being forced to admit in the cross-examination that he has some other properties as well in his possession which is vacant to offer a belated explanation that other property is not

suitable to him. The unsuitability of any other building must be a matter of pleading and it cannot be a matter without reference of such pleadings.

4. I am prepared to allow for certain latitude in the procedure of pleadings in rent control pleadings matters. The idea is that all the trapping of the Civil Procedure Code cannot be imported in rent control action. However, essential facts such as that the landlord was requiring a particular premises for his bonafide necessity must be supplemented with basic details of disclosure of all the properties which he owns. If the landlord does not make such a disclosure and the existence of other shops are brought out in the cross-examination, which the landlord has attempted concealed, the ultimate disclosure must be taken as a circumstance proving the lack of bonafides. I find no cause for intervention in revision petition.

5. The revision petition is dismissed.

August 5, 2015
prem

(K.KANNAN)
JUDGE