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

CR No.1653 of 2015 (O&M)

Date of decision: March 09, 2015

M/s Sohan Lal Sanjiv Kumar

.....Petitioner

Versus

Smt. Shakuntla Devi

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gaurav Bakshi, Advocate
for the petitioner.

SABINA, J

Respondent had filed petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 ('Act' for short) seeking ejectment of the petitioner. The Rent Controller dismissed the application vide order dated 22.08.2012. The Appellate Court vide order dated 12.02.2015 allowed the ejectment of the petition. Hence, the present petition by the tenant.

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

In the present case, land lady had sought ejectment of the petitioner on the ground of bonafide necessity. The case of the land lady was that she required the premises in question to enable her grandson-Vishal Kumar to start his computer business. In this regard, son of the land lady appeared in the witness box as AW1. Vishal Kumar grandson

of the land lady appeared in the witness box as AW2.

The learned Appellate Court had rightly rejected the argument raised by the petitioner that the ejectment petition was not maintainable as it had been filed by the land lady through her attorney. It has been noticed by the Appellate Court that Surinder attorney of land lady Shakuntla Devi was none other than her son. Shakuntla Devi was an old lady and was unable to pursue the litigation and had filed the ejectment petition through her son being her attorney holder.

The learned Appellate Court further rightly held that the land lady could seek ejectment of the petitioner on the ground of bonafide necessity as she required the premises in question to enable her grandson to set up his business. It is only natural for a grand-mother to ensure that her grandson settles in his life. Grandson of the land lady had also appeared in the witness box and had stated that he required the premises in question for setting up computer business. Further, Vishal Kumar grandson of the land lady was not in possession of any shop and required the same to run his business. Merely because Vishal Kumar had got a job during the pendency of the ejectment petition, was no ground to dismiss the ejectment petition as the grandson of the land lady was not required to sit idle till the shop was got vacated. Moreover, as per Section 13 clause 6 of the Act, in case, land lord fails to occupy the premises for his personal use, after

seeking ejectment of the tenant, then the tenant who has been evicted can apply to the Rent Controller for an order directing that the possession of suit building shall be restored to him.

In the facts and circumstances of the present case, the learned Appellate Court had rightly allowed the ejectment petition filed by the land lady.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 09, 2015

m.singh