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

**CR No.1960 of 2015 (O&M)
Date of decision: March 19, 2015**

M/s Harish Boot House

.....Petitioner

Versus

Sham Sunder Passi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K. Bajaj, Advocate
for the petitioners.

SABINA, J

Respondents had filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioner from the shop in question. The said petition was allowed by the Rent Controller vide order dated 25.08.2012. The order passed by the Rent Controller was upheld by the Appellate Authority vide order dated 27.01.2015. Hence, the present petition by the petitioner-tenant.

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

Respondents had sought ejectment of the petitioner from the shop in question on the ground that the same was required for settling Sumit Passi son of respondent No.2-Bihari Lal Passi and on account of arrears of rent w.e.f. 01.01.1980.

There is no dispute qua the relationship of landlord and tenant between the parties. The case of the landlord was that tenant was in arrears of rent as he had failed to deposit the

rent alongwith house tax. It has been noticed by the Appellate Authority that RW-1 Amrit Aneja, partner of the petitioner-firm, had admitted that the house tax was liable to be paid by the said firm as the property in question had been assessed to house tax. However, petitioner-firm had failed to prove on record that they had deposited the house tax. In these circumstances, the Courts below rightly held that the petitioner was liable to be ejected on the ground of non-payment of arrears of rent.

So far as the plea of bonafide requirement of the landlord is concerned, it was the case of the respondents that the premises in question was required by respondent No.2 to settle his son. In this regard, respondent No.2-Bihar Lal Passi had stepped into the witness-box to assert his bonafide need. Son of respondent No.2 Sumit Passi also appeared in the witness-box as PW-2 to corroborate the version of the land-lord that the premises in question was required by him to set up his business in the premises in question. It has been noticed by the Appellate Authority that RW1 had admitted in his cross-examination that Sumit Passi was working in the factory of his father and was not doing any job elsewhere. He also admitted that the shop in Chaura Bazar was not in occupation of any of the respondents and had been given on rent. In these circumstances, the Courts below rightly came to the conclusion that Sumit Passi son of respondent No.2 was not in occupation of any other non-residential building nor had vacated any such

building and was dependent on his father and required the premises in question to run his independent business.

In the facts and circumstances of the present case, the Courts below had, thus, rightly ordered the ejectment of the petitioner from the premises in question.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 19, 2015

m.singh