

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

CR No. 2098 of 2013 (O&M)
Date of decision: March 23, 2015

Vidya Rani

...Petitioner

Versus

Bhag Singh

...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. Jaswinder Singh, Advocate,
for the petitioner.

None for the respondent.

K. KANNAN, J. (Oral)

1. The petitioner is the tenant who has been directed to be evicted in an action taken under Section 13-B of the East Urban Rent Restriction Act. The landlord was an owner of 14 shops of which three shops were in the possession of the tenants. In respect of 11 shops, the landlord's contention was that the respective tenants had offered to surrender possession of the property by 2005 and only the tenant was not prepared to vacate and, therefore, he was forced to file a petition for ejectment. The petitioner would declare his need as a person returning from England to India to carry on his business of building materials such as marble, cement, sand, scaffolding, chips etc. The petitioner would explain that he was dealing with building contractors and he was working as electrician with installation of electrical fitting in England and he was well conversant with the nature of said business.

2. At the time of trial, it was elicited in the cross-examination that he had during the proceedings obtained vacant possession of the 11 shops in the hands of the other tenants, but there they all were lying closed. He also disclosed that the electrical meters installed in the shops had been disconnected on his own request. The evidence was tendered by him in the year 2012.

3. The conduct of the landlord in abandoning the premises recovered from other tenants cannot be taken as irrelevant. It makes evident the lack of bonafide of his need in respect of all the tenements that had been vacated by the other tenants. He had done nothing to start the business. There was no statement anywhere that the nature of business which he was contemplating, namely dealing with electrical goods could not have been started with the premises which he had claimed from the other tenants. The landlord could have always explained if it was true that he had to keep all the other premises closed only because he had contemplated some structural changes which could not have been possible unless he had secured ejectment from this particular tenant. There is no such evidence offered either in the chief or cross-examination as to why he had closed down all the building for nearly 7 years from 2005, when he claimed possession till the time he was giving evidence in the year 2012. His own conduct during the proceedings exhibited complete inertia for putting the property that he had claimed from other tenants for his own use. The order passed takes no notice of an important subsequent event which was relevant for testing the bonafide of the landlord. Indeed the relevance of subsequent events itself gained currency only in the rent control jurisdiction. The Rent Controller failed to notice of what was important for consideration that and has

deflected the course of justice to an unjust result. Consistent with the finding that the the building cannot be evicted, the vacant space which is appurtenant to the building can also not be evicted. The impugned order is set aside, civil revision is allowed.

March 23, 2015
prem

(K.KANNAN)
JUDGE