

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 2222 of 2015 (O&M)

DATE OF DECISION : August 31 2015

M/s Paul Auto Works

..... PETITIONER(S)

VERSUS

Kulwant Singh

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashish Gupta, Advocate, for the petitioner.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES
3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

Vide order dated 08.07.2014, Rent Controller, Rajpura, ordered eviction of the petitioner (tenant) on account of personal necessity of the respondent-landlord. Appeal preferred against the said order failed and was dismissed, vide judgment dated 06.02.2015. This is how, the petitioner (tenant) is before this

Court.

In short, the case set out by the respondent-landlord was that he required the demised premises i.e. two shops, for his personal use and occupation, as his son-Baljit Singh, who was unemployed, and suffered from 40% permanent physical disability had to be settled. And, the respondent intended to set up a Dhaba for his son.

In defence, it was pleaded, inter alia, that the alleged need of the respondent-landlord was not conceived in good faith. As the landlord and his son, were working as Granthis in Gurudwara Sahib of Village Kheri Musalama for more than three years and were well settled and earning well.

On a consideration of the matter in issue and the evidence on record, learned Rent Controller arrived at a conclusion that the respondent-landlord duly proved his claim by adducing cogent evidence. All the witnesses examined by the respondent corroborated his testimony and claim that his son-Baljit Singh was indeed unemployed and handicap by birth. Certificate issued by Civil Surgeon, Patiala (Exhibit P1) proved that the son of the respondent suffered from a physical deformity. No evidence was led to the contrary by the petitioner. That being so, the Rent Controller ordered ejectment of the petitioner.

Being aggrieved against the said order, the petitioner preferred an appeal. Appellate Authority reviewed the matter in issue, evidence on record and, on an analysis thereof, concurred with the findings recorded by the Rent Controller. Accordingly, the appeal was dismissed.

I have heard the learned counsel for the petitioner and perused the paper book.

Learned counsel for the petitioner simply seeks to reiterate the submissions that were advanced before the courts below and rejected after a due and comprehensive consideration. No other argument was advanced.

On a due and thoughtful consideration of the matter in issue, I am of the considered view that the petition is devoid of merit and is, thus, liable to be dismissed.

The specific case set out by the respondent-landlord was that he required the demised premises to settle his unemployed son, who suffers from 40% permanent physical disability. Certificate issued by Civil Surgeon, Patiala (Exhibit P1) duly substantiated the position in this regard. Evidence on record proves that son of the respondent-landlord was not involved in any other avocation or had any alternate source of income, and rather was dependent upon his father. Claim of the respondent was fully corroborated by Joginder Singh PW-2. Evidence on record reveals that respondent-landlord was working as a Granthi in a Gurudwara at Village Kheri Musalama. Quite naturally, he was/is concerned about the future of his unemployed handicapped son and wishes to settle him as himself had grown old and was above 70 years of age. This is not the case either that respondent himself was so well placed that he could take care of the needs of his son. Once the respondent has been able to show, prima facie, that he requires the demised premises, the presumption is that his need is

conceived in good faith and genuine. No evidence, least cogent, was led to rebut the said presumption.

Learned counsel for the petitioner could not point out as to how the conclusions arrived at by the courts below were either contrary to the position on record or suffer from any material illegality.

In the wake of the position as set out above, no interference is warranted in exercise of revisional jurisdiction under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949. Petition being devoid of merit is, accordingly, dismissed in limine.

AUGUST 31, 2015
Kang

(ARUN PALLI)
JUDGE