

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

**CR No.2532 of 2014 (O&M)
Decided on: March 11, 2015.**

Tarsem Lal

.... Petitioner

Versus

Roop Rani

.... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sunil Garg, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is a tenant's revision petition against the orders passed by the Courts below ordering ejectment of the tenant-petitioner on the ground of personal necessity.

Counsel for the petitioner has vehemently contended that the respondent-landlady has not specifically pleaded the three ingredients of Section 13 (3) (a) (ii) of the Haryana Urban (Control of Rent & Eviction) Act 1973. It has been argued that the respondent landlady has been occupying another shop which fact has been concealed by her.

With the assistance of the counsel for the petitioner, I have gone through the pleadings of the respondent landlady in the ejectment petition and the written statement of the tenant-petitioner.

Counsel for the petitioner has drawn my attention to description of the property in Para 1 of the ejectment petition wherein it is mentioned that on the Northern side of the shop in dispute, there is shop of the landlady Roop Rani. He has also drawn my attention to the site plan Ex.A-3 wherein it is mentioned that shop of Roop Rani is on the northern side. He has also drawn attention of this Court to Para 6 (b) of the written statement wherein it has been pleaded that the son and husband of the landlady-respondent own shop nearby the shop in question and has also pleaded that the landlady had herself mentioned that towards north of the shop in dispute there was another shop of the landlady.

I have considered the contentions of learned counsel for the

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tenant-petitioner and I am of the opinion that the it was incumbent upon the landlady-respondent to plead the necessary ingredients of Section 13 (3) (a) (ii) which appears to have been done by the landlady respondent. At the same time, the tenant is required to specifically deny the pleadings and establish the fact by pleading and proving that the landlady/landlord has been in possession of another premises and that the said premises is sufficient enough or that the need of the landlord/landlady is not bona fide. In the present case vague allegations have been leveled regarding the landlady being owner of other shops and even if it is presumed that the landlord/landlady owns the adjacent shop the said fact is not sufficient enough to reject the claim of landlord/landlady of bona fide need of a particular premises. It is settled principle of law that the landlord is the best judge of its needs and generally a Court will not assess the need on the basis of presumption and conjectures. Two Courts below, i.e. the Rent Controller and the Appellate Authority have arrived at concurrent finding of fact that the landlady respondent is in bona fide need of the tenanted premises. No ground is made out for interference in the said finding of fact.

Petition is dismissed. The petitioner, however, is granted three months time to vacate the premises and hand over the vacant possession to the respondent.

(M.M.S. BEDI)
JUDGE

March 11, 2015
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