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

**C.R. No.2824 of 2015 (O&M)
Date of Decision : 28.04.2016**

M/s Goodlass Nerolac Paints Ltd. and another

..... Petitioners

Versus

Michael Kuldeep Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Kulwant Kaur, Advocate
for the petitioners.

Mr. Ravinder Rana, Advocate
for the respondents.

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?

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent orders of the Courts below allowing ejectment of the petitioners-tenants from the demised premises and the present revision relates to the eviction from the ground floor of the demised premises.

The case set up by the respondents-landlords was that they required the entire premises and had filed petitions for eviction against all

the tenants as they wanted to establish a commercial unit of readymade garments by setting up sewing machines. The case of the petitioners-tenants was that the respondents-landlords were well established in business all over the world and did not require the premises and were only interested in the increase of the rent. Both the Courts below found that when a landlord pleads bonafide necessity there must be initial presumption in favour of the landlord which has to be rebutted by the tenant. Consequently, they held that the respondents-landlords having appeared in testimony and stating their requirement have discharged the initial onus. The petitioners-tenants on the other hand sought to rely upon DW-2/A, DW-2/1 and DW-2/2 to assert that a reading of these documents clearly showed that the landlord was only interested in increasing the rent. Both the Courts below held that firstly these documents were not proved in accordance with the Indian Evidence Act, 1872 and secondly held that it is not unnatural for a landlord to come to a conclusion that on an existing rent he would be better off by starting his own business.

In my opinion, the judgments of the Courts below cannot be faulted. The mere denial by the tenant that the landlord does not intend to start the business without showing anything further can not offset the presumption raised by the petition and by the personal appearance of the landlord in support of his claim. As regards the earlier proposal for increase of rent, in my opinion, it is perfectly justified for a landlord to ask for an increase of rent and when that is not accepted to come to a conclusion that he would be better off if he started his own business. In such a case, it

cannot be held that his personal necessity is not bonafide. Looked at from any angle, there is no merit in this petition.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 28, 2016

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**(AJAY TEWARI)
JUDGE**