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

CR No.3129 of 2015

Date of decision: May 08, 2015

Smt. Salochna

.....Petitioner

Versus

Jitender Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jagmohan S. Ghuman, Advocate
for the petitioner.

SABINA, J

Respondent had sought ejectment of the petitioner from the demised shop by moving a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 ('Act' for short). Rent Controller vide order dated 21.10.2012 dismissed the ejectment petition. In an appeal filed by the respondent, the Appellate Court vide order dated 11.03.2012, allowed the ejectment petition. Hence, the present petition by the petitioner-tenant.

Learned counsel for the petitioner has submitted that the landlord had failed to establish that he required the premises in question for his own use and occupation. In fact, the landlord was owner of other shops which had been given on rent by him.

Respondent sought ejectment of the petitioner from the demised shop on the ground of personal necessity. The case of the petitioner, on the other hand was that the landlord did not require the premises in question for his personal use and occupation.

In order to prove his case, landlord appeared in the witness-box and deposed that he was having a diploma in Hotel

Management and was an Astrologer and wanted to run his own business in the demises premises. Although, the landlord was having two other shops and the same were in possession of the tenant, but the said fact does not lead to inference that the landlord could not seek ejectment of the petitioner from the premises in question on the ground of personal necessity. It was for the landlord to decide, as to in which premises owned by him, he wanted to run his business. It is a settled preposition of law that the landlord is the best judge, qua his needs and requirement. Since in the present case, the landlord had been successful in establishing that he required the premises in question for his personal use, the learned Appellate Authority rightly allowed the ejectment petition. Moreover, as per Section 13 (6) of the Act, where a landlord, who gets the possession of the premises in question on the ground of personal necessity and fails to occupy the same for a continuous period of three years, then the tenant, who has been evicted, can apply to the Controller for an order that the possession of the premises in question be restored to him.

In these circumstances, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 08, 2015
m.singh