

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 3238 of 2015 (O&M)
Date of Decision: 14.5.2015.

Capt. Jaswant Singh

.....Petitioner

Versus

M.P.Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Judgepreet Singh, Advocate
for the petitioner.

SABINA, J.

Respondent had filed the petition under Section 13 of East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the petitioner from the premises in question. Learned Rent Controller vide order dated 3.11.2014 allowed the ejectment petition. Aggrieved against the said order, petitioner preferred an appeal and the same was dismissed by the Appellate Authority vide judgment dated 4.4.2015. Hence, the present petition by the petitioner-tenant.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Respondent had sought ejectment of the petitioner from the demised premises on the grounds of arrears of rent and personal necessity. During the pendency of the ejectment petition, petitioner tendered the arrears of rent and, consequently, issue No. 1 that whether the tender made by the petitioner was short and invalid, was decided in favour of the petitioner.

The Courts below have ordered the ejectment of the petitioner on the ground that the landlord required the premises in question for his own personal use and occupation. The case of the respondent was that he wanted to shift from Saharanpur to Mohali and wanted to run his business in the premises in question as there were better job and education opportunities for his children at Mohali. Respondent, while appearing in the witness box, deposed as per the contents of the ejectment petition and also examined his son who deposed that he was studying in Chitkara University, Solan which was closer to Mohali than Saharnpur. It is a settled proposition of law that the landlord is the best judge qua his needs and requirement. There is no occasion to doubt the need put-forth by the respondent that he wanted to shift to Mohali to run his business for the betterment of his family. Hence, both the Courts below rightly came to the conclusion that the premises in question was required by the respondent for his own personal use and occupation.

Petitioner moved an application under Order 41 Rule 27 of the Code of Civil Procedure, 1908 ('CPC' for short) before the Appellate Authority to establish that the respondent had entered into an agreement to sell the demised premises with one Saudagar Singh and wanted to examine the said person. The execution of any such agreement to sell in question was denied by the respondent. The learned Appellate Authority rightly dismissed the application moved by the petitioner under Order 41 Rule 27 CPC as no such copy of the agreement to sell in favour of Saudagar Singh by the respondent, was placed on record. In the absence of the said document, the learned Appellate Authority rightly held that the examination of Saudagar Singh as a witness, was not necessary

for the just decision of the case.

Moreover, as per Section 13 of the Act, protection has been given to the tenant that in case the landlord fails to occupy the premises in question within the stipulated period or rents out the same to another tenant, then evicted tenant can apply for restoration of possession to the Rent Controller.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

**May 14, 2015
Gurpreet**