

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.3502 of 2013
Date of decision: 28.1.2015

Jagdish Verma

....Petitioner

Versus

Vijay Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Madan Pal Sandhu, Advocate for
Mr. Rajinder Singh Raj, Advocate for the petitioner.

Mr. K.S.Rekhi, Advocate for the respondent.

G.S.Sandhawal J.(Oral)

The present revision petition is directed against the concurrent findings recorded by the Courts below whereby the application for ejectment under the East Punjab Urban Rent Restriction Act, 1949 was allowed on the ground of bonafide requirement.

The petition was originally filed by Hem Raj on account of use and occupation of the premises which is a shop situated in Hira Market, Guru Bazar, Amritsar for his married son Vijay Kumar. The Rent Controller, Amritsar vide order dated 24.10.2009 recorded a finding that shop in question was required by the landlord for his personal use i.e. to establish his office in the city area and referred to the deposition of Vijay Kumar himself along with other witnesses. The argument that the premises was situated in very congested portion of the town and approach was not there was rejected on the ground that it was the landlord's convenience which had to be seen as to how he was to utilize his property and which of the properties owned by him is best suited for his need and the tenant could not dictate terms.

The petitioner carried the issue to the Appellate Authority, Amritsar who vide order dated 11.3.2013 noticed that on the other floors of the building Vijay Kumar was already running his business and it was not for the tenant to

submit that sale office should be opened on the 1st floor or the second floor of the building in question. The other properties which were situated in Bazar Kaserian were found to be of only 5.33 sq. yards and 28.88 sq. yards and accordingly, the argument that the shops had been sold were also held not to be ground for denying the ejectment on the same principle.

The interim protection granted in favour of the tenant had been vacated vide order dated 1.4.2014. It is not disputed that the possession has already been taken from the tenant by the petitioner and the execution proceedings had been withdrawn on 6.9.2014. Certified copy of the order withdrawing the execution petition is placed on record.

Accordingly, keeping in view the concurrent findings recorded by the Courts below and in view of the need of the landlord for opening his office on the ground floor, this Court is of the opinion that there is no infirmity and illegality in the impugned orders which would warrant interference by this Court.

Accordingly, the present revision petition is dismissed.

28.1.2015
Pka

(G.S.SANDHAWALIA)
JUDGE