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

CR No.3831 of 2015 (O&M)

Date of decision: July 20, 2015

Jaspreet Singh and others

.....Petitioners

Versus

Sandeep Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Shekhar Verma, Advocate
for the petitioners.

SABINA, J

Respondent No.1 had sought ejectment of the petitioners and performant-respondent No.2 from the premises in question by moving a petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 ('Act' for short). The said petition was allowed by the trial Court vide order dated 31.08.2013. Petitioners were ordered to be ejected from the demised premises on the ground that the landlord required the premises in question for his own use and occupation. Appeal filed by the petitioners against the order passed by the trial Court was dismissed by the Appellate Court vide order dated 25.02.2015. Hence, the present petition.

Learned counsel for the petitioners has submitted that the courts below had erred in ordering the ejectment of the petitioners from the demised premises. In fact, the need

put-forth by the landlord was not genuine. Landlord could not set up a Nursing Home in the area in question because as per the norms, more area was required for setting up a Nursing Home. Landlord owned 5 Kanals and 4 Marlas of land in village Pehowa and had sought permission from the competent authority for setting up a Nursing Home in the said land.

In the present case, respondent No.1 had sought ejectment of the petitioners and the performa-respondent No.2 from the demised premises. One of the ground taken by the landlord was that he required premises in question for his own use and occupation. The courts below have allowed the ejectment petition on the ground that the landlord required the premises in question for his own use and occupation. The case of the landlord was that he wanted to start a Nursing Home in the demises premises. It was further the case of the landlord that he had already got the adjacent shops vacated. The case of the landlord was that he was a qualified doctor as he had done MBBS and MD, whereas, his wife was BAMS and MS. It is a settled preposition of law that landlord is best judge qua his needs and requirements. Landlord has already got the adjoining shops vacated and now he wants to open a Nursing Home in the premises in question as well as other two shops which have been got vacated by him. There is nothing on record to suggest that

the need put-forth by the landlord was not genuine.

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.

In the facts and circumstances of the present case, the Courts below had rightly ordered the ejectment of the petitioners and performa-respondent No.2 from the premises in question.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 20, 2015

m.singh