

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

(211)

CR-4910-2012 (O&M)

Decided on: May 13, 2015.

Rajinder Kumar

.... Petitioner

Versus

Ram Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

A concurrent finding of fact has been arrived at by the Rent Controller as well as the Appellate Authority that the landlord-respondent requires the premises in dispute for bona fide necessity for his sons.

Learned counsel for the petitioner has submitted that the Courts below have not taken into consideration the evidence and have, by cryptic order, passed the ejectment order, without application of judicious mind.

I have heard learned counsel for the petitioner and gone through the order passed by the Court below.

Perusal of the judgments of Courts below indicate that the family of the respondent-landlord consist of 14 members. There are three rooms available on the first floor and two rooms on the ground floor besides one kitchen.

Taking into consideration the bona fide need and the tenant having ceased to occupy the premises for four months prior to the filing of

the ejectment petition, the ejectment order has been passed. The need of the landlord is apparently bona fide. The evidence produced on the record goes to show that the need is not mere wish but bona fide need for which the landlord is considered to be the best judge.

No ground is made out for interference.

Dismissed.

However, taking into consideration the fact that the petitioner has been in possession of the property for the last so many years, he is granted six months time to vacate the premises subject to the condition that he will furnish an affidavit before the Rent Controller within a period of one month to the effect that he would hand over the vacant possession of the tenanted premises to the landlord and will not create third party interest and clear all the electricity and water charges. He would also pay the entire arrears of rent within a period of 15 days and future rent by seventh of each month. In case, the affidavit is not furnished within a period of one month, it will be open to the landlord-respondent to seek execution of the ejectment order on expiry of one month.

(M.M.S. BEDI)
JUDGE

May 13, 2015
harsha