

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

**CR No.6113 of 2011 (O&M)  
Date of decision : July 21, 2015**

Bhim Sen Bansal and others

..... Petitioners

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR.JUSTICE GURMIT RAM**

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1. To be referred to the Reporters or not? No / Yes
2. Whether the judgment should be reported in the Digest? No / Yes

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Present : Mr. Akshay Bhan, Senior Advocate with  
Mr. Amandeep Singh, Advocate  
for the petitioners.

Mr. Ashwani Talwar, Addl. A.G. Punjab  
for respondent.

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**GURMIT RAM, J. (Oral)**

1. This revision is preferred by the petitioners (landlords) who remained unsuccessful before both the Forums below, i.e. learned Rent Controller, Chandigarh as well as learned Appellate Authority, Chandigarh.
2. The facts in brief pertaining to the instant revision petition are that the petitioners herein filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act 1949 (in short “the Act”) for the eviction of the respondent (tenant) from the first floor, second floor, third floor and fourth floor of SCO Nos.66-67, Sector 17-D, Chandigarh (hereinafter to be

referred as demised premises). The facts as mentioned in the ejectment petition were that earlier Manmohan Sharma, Anand Sarup Sharma, Chander Mohan Sharma and Vijay Mohan Sharma were the owners of the aforesaid SCO Nos. 66-67, Chandigarh. They inducted the respondent as a tenant in the demised premises for more than two decades ago. The present monthly rent of the demised premises was stated to be ₹10,260/- payable in advance by 15<sup>th</sup> of each month. The said earlier owners sold this SCO to the petitioners herein vide sale deed dated 04.12.2006 duly registered in the office of Sub-Registrar, Chandigarh. As such the petitioners herein became the owners-cum-landlords of this SCO, whereas respondent became tenant under them qua the demised premises. The ejectment of the tenant was sought on the ground of non-payment of rent w.e.f. from 1<sup>st</sup> March, 2007 and that the petitioners require the demised premises for their own use and occupation. It was the case of the petitioners that the petitioner No.1 is running textile shop under the name and style of M/s Navdeep Textiles since the year 1982 in a tenanted premises i.e. half ground floor covering an area of 1200 square feet with an equal area in the basement in SCO No.76, Sector 17-D, Chandigarh by paying rent at the rate of ₹18,500/- per month. With the passage of time petitioner Bhim Sen Bansal had acquired vast experience of the trade of sale of textile. His wife Saroj Rani was stated to be without any vocation. Petitioner Arjun Dass aged about 45 years was also stated to be without any business or vocation, who anyhow extending his assistance to Bhim Sen Bansal intermittently in his said business. He has also got experience to run the business of sale of textile. His wife Krishna Devi who is stated to be an educated person was also without any work. The only son of Arjun Dass who had passed his B. Com examination

was also alleged to be without any work or vocation. In these circumstances, the petitioners decided to set up a retail outlet for the sale of textiles for ladies as well as gents in the pattern of showroom like Nallis of Madras and Perfection House of Delhi. The entire abovesaid SCO was purchased by them with a view to compete in the trade and to meet with the requirement of time. Such exclusive showroom was stated to be already opened in Chandigarh, one of which is a Sham Shopping Mall, Sector 34, Chandigarh. Then it was also their case that they had purchased the building of abovesaid SCO at an exorbitant price by spending ₹5 crores, keeping in view their personal requirement as above described. After the purchase of the building of this SCO, petitioners requested the respondent-tenant orally as well as in writing to vacate demised premises to which they did not bother, which resulted into filing of the instant ejectment petition.

3. In the reply respondent-tenant took preliminary objections that rent stood paid to the petitioners upto August 2007; that petitioners had rented out the vacant portion of the building meant for shop to York's International after filing of this petition and that the building in question being a shop-cum-office (SCO), only the ground floor can be used for opening shops whereas basement is meant for storing the stock of shop and the remaining floors No.1 to 4 are meant for the office purpose. On merits it is stated that the fact that Manmohan Sharma and others were the owners of the demised premises and who rented the demised premises to the respondent-tenant for more than 2 decades before, is a matter of record subject to their proof in the Court. Present rate of rent of demised premises was admitted to be ₹10,260/-, per month but denied that same was payable in advance by 15<sup>th</sup> of each month. Then it was also the plea of the

tenant that petitioners had concealed the material facts in the Court since they did not disclose the fact that they rented out the vacant portion of the building in question meant for shop to York's International as abovesaid. Then it was also pleaded that the ground on which the petitioners are seeking the ejectment of respondents from demised premises is against the by-laws / building rules framed by Chandigarh Administration since the building premises from first floor onwards are meant for office use only and the same cannot be used for the purpose of shopping. The alleged sale deed vide which the petitioners had purchased the SCO in question was stated to be sham transaction being the result of deep rooted conspiracy of the previous and present landlord in order to project the requirement of personal necessity qua the demised premises. Rest of the averments were also denied by the respondent-tenant.

4. In the rejoinder, the petitioners took the plea that the basement where the product of York's International were being sold was not let out and the same was rather being used by the son of Arjan Dass Bansal. Rest of the averments of the written statement were denied and stand as taken in the petition was reiterated.

5. After hearing learned counsel for both the parties and going through the record as well the learned Rent Controller recorded findings on all the issues against the petitioners and dismissed their ejectment petition vide impugned order dated 18<sup>th</sup> May, 2009. Appeal preferred by the petitioners-landlords against this order was also dismissed by the learned Appellate Authority vide impugned order dated 19.05.2011.

6. The petitioners-landlords being not satisfied with both the impugned orders passed by both the Forums below have come up before

this Court by way of instant revision petition, notice of which was given to the respondent (tenant). Record of both the Courts below was also requisitioned.

7. I have heard learned counsel for both the parties and have also gone through the record with their eminent assistance.

8. The learned counsel for the petitioners contended that the petitioners had proved the factum of their bona fide requirement qua the demised premises for their personal use and occupation by bringing on record cogent/relevant evidence, but the both the Forums below have failed to appreciate this fact in a rightful manner. Then it is also his contention that alleged new business of York's International in a portion of the SCO in question which was vacant is being run by none-else but by the son of petitioner Arjun Dass Bansal and that both the Forums below have misinterpreted this fact also while passing the impugned orders. Then it is also contended that petitioner Bhim Sen Bansal, at present, is running his business of textile under the name and style of M/s Navdeep Textile in a rented accommodation consisting of half portion of ground floor and half portion of basement in SCO No.76, Sector 17-D, Chandigarh of which he is paying rent at the rate of ₹18,500/- per month, whereas petitioners of this case are getting the monthly rent from the respondent (tenant) qua demised premises at the rate of ₹10,250/- only. Then it is also submitted that the present petitioners intended to set up a fashion mall on the pattern of Sham Fashion Mall, Sector 34, Chandigarh and for that purpose they pleaded their bona fide need qua the demised premises, which has been rejected by both the Forums below without appreciating it correctly. Then it is also case of the petitioners that they spent ₹5 crores for purchasing the building of the

SCO in question in order to set up a fashion mall by taking benefit of their vast experience in textile industry. Then prayer is made for the acceptance of the revision petition by setting aside both the impugned orders passed by both the Forums below. It is further prayed to accept the ejectment petition filed for eviction of the respondent (tenant) from the demised premises.

9. But on the other hand, the learned State Counsel has argued that there are concurrent findings of both the Forums below in favour of the respondent (tenant) since the petitioners herein have miserably failed to prove their case by bringing on record reliable and trustworthy evidence and as such, there is no need to upset the findings recorded by both the Forums below. Then it is also his contention that as per the By-laws / Rules framed by the Chandigarh Administration, the premises of the SCO in question from first floor to fourth floor i.e. demised premises is meant for use of office only and not for any shopping center etc. Since the ground on which the petitioners are seeking ejectment of the respondent (tenant) from the demised premises is in violation of the By-laws / Rules made by the U.T. Chandigarh Administration, so as such, the instant ejectment petition has rightly been dismissed by both the Forums below.

10. The main point in controversy as per the above discussed rival contentions of both the parties in this case is that:-

*“as to whether the demised premises can legally be permitted to be used for the purpose other than the office use”*

11. As above pointed out by the learned counsel for the respondent, the demised premises is meant for office use only and their use for a purpose other than office use is prohibited under the law being hit by the

by-laws, regulations etc. framed by U.T. Chandigarh Administration. But at the time of the arguments, the learned counsel for the petitioners has brought on the file a copy of one Gazette Extra Ordinary-Order dated 03.11.2003 passed by Chandigarh Administration, Government of India and has contended that in view of the provisions of this Notification / Order, the use of the SCOs can be converted from the office use to the shopping, commercial purpose etc. Herein I want to discuss the relevant provision of this Notification / Order wherein it is provided that earlier Rule regarding composition fee to be paid by the allottee/owners for regularization of the cases of violation / relaxation shall be substituted as detailed below:-

*“The upper floors of SCOs (including SCFs converted to SCOs under the rules) meant for office use shall be allowed to be used for more intensive purpose of shopping (display and sale of goods) and restaurants (sale and serving of prepared foods and beverages including banquet facilities) on payment of charges as follows:-*

|     |                                            |                                           |                         |
|-----|--------------------------------------------|-------------------------------------------|-------------------------|
| (a) | In Sector 17, Sector 34, V-2 and V-3 roads | (i) For 1 <sup>st</sup> floor             | Rs.1000 per square foot |
|     |                                            | (ii) For 2 <sup>nd</sup> floor            | Rs.800 per square foot  |
|     |                                            | (iii) For 3 <sup>rd</sup> and High floors | Rs.600 per square foot  |
|     |                                            |                                           |                         |
| (b) | Other locations in Chandigarh              | (i) For 1 <sup>st</sup> floor             | Rs.800 per square foot  |
|     |                                            | (ii) For 2 <sup>nd</sup> floor            | Rs.600 per square foot  |
|     |                                            | (iii) For 3 <sup>rd</sup> and High Floors | Rs.500 per square foot  |
|     |                                            |                                           |                         |

*Provided that such use is allowed under the building rules/bye-laws and zoning plans. However, permission for conversion of trade will have to be obtained, where necessary.”*

12. On the other hand learned counsel for the respondent could not produce any provision of law or case law in order to rebut the provision of abovesaid Notification / Order as well as contentions of learned counsel for the petitioners.

13. In the light of the abovesaid provision of the Notification / Order, dated 03.11.2003 it is held that the landlord can use the demised premises for the commercial purpose for running a retail outlet for the sale of garments etc. other than office use but with the permission of the U.T. Government and on payment of certain charges as fixed by the Government and also as described above. So far as grant of such permission for use of demised premises for the purpose other than office is concerned, it is between the petitioners and the Government, and tenant has nothing to do in it. For such a conversion of use of the demised premises, the prior permission of the authority concerned is not required before filing the ejectment petition. The landlord may apply for such a permission / sanction either during pendency of the ejectment proceedings or even after disposal thereof. Herein learned counsel for the petitioners has cited an authority of this Court as delivered in ***Jai Parkash Goyal vs. Shri Gurudwara Singh Sabha Sahib Virajman Gurugranth Sahib, Kukarmajra and another*** **2009(2) RCR (Rent) 211**. In this case, the petitioner which was a religious institution required the building in question for the construction of big building complex to raise income for religious institution and for providing a dharamshala. It was held that it is not required that building plan and sanction of Municipal Committee be obtained prior to the filing of the eviction petition. It was also held that by the normal course proceedings before a Rent Controller, a case takes quite a length of time, it would be an empty formality to expect that the landlord ought to have applied before the Municipal Committee for sanction even before he obtained an eviction of his tenant. Herein, the learned counsel for respondent has argued that the alleged Notification/Order dated 03.11.2003 is neither pleaded in the

ejectment petition nor any evidence to that effect has been led by the petitioners, so they cannot take benefit of the provisions of this Notification/Order. But there is no need either to mention the provisions of law in the pleadings nor to lead any evidence in this regard. Plea on the basis of any provision of law can be taken at any stage during arguments and it hardly matters as to whether to the said legal provisions are mentioned in the pleadings or not nor any evidence to that effect is needed. Then it is further to note that the alleged Notification/Order is dated 03.11.2003 and hence it is prior to the filing of the instant ejectment petition. Consequently the contention of learned counsel for the respondent is declined.

14. On this point learned counsel for the petitioners cited another case law titled as ***Kishore Kumar vs. Bhogal Bai and others 2006(1) RCR (Rent) 259 Madhya Pradesh High Court.*** In this case the landlady wanted to start the business of fireworks in the demised shop. It was held that it is not obligatory to obtain license of fireworks before submitting an application for eviction. It may be obtained subsequently. Similarly, funds and preparation of the proposed business are not the pre-requisites for the grant of eviction.

15. Then, learned counsel for the petitioners has also referred to another authority on this point as delivered by Hon'ble Apex Court in ***Rakesh Vij vs. Dr. Raminder Pal Singh Sethi and other 2005(2) R.C.R. (Rent) 354,*** wherein it has been laid down in nut shell that in U.T. Chandigarh Administration, it is open to a landlord to seek eviction of the tenant from a non-residential building on the ground of his own use and occupation. The East Punjab Urban Rent Restriction (Extension to Chandigarh) Act, 1974 has to be interpreted in a just and equitable manner.

To completely deprive a landlord of his right to seek eviction of a tenant from a non-residential building even on the ground of own use for all times to come would be highly unjust and inequitable to him.

Herein it is also observed that if the petitioners failed to get requisite permission from the authority concerned or to start their alleged business in the demised premises within the stipulated time as provided under the provisions of the Act, then the remedy available with the present respondent-tenant as provided under the provisions of this Act, is to approach to the Rent Controller concerned for restoring their possession of the demised premises.

16. Then another ground on the basis of which the instant rent petition was declined by both Forums below was that the landlord purchased the building of SCOs No.66-67, Sector 17-D, Chandigarh wherein the demised premises are situated vide sale deed dated 04.12.2006 and had thereafter filed the instant ejectment petition on 19.04.2007, i.e. within a period of about 4 ½ months from the date of its purchase. This act on their part in filing this petition immediately after the purchase of the said SCOs negates their said plea of bona fide necessity qua demised premises.

17. But neither under the instant Rent Act nor in any other enactments any time period limit is provided within which the petitioners cannot initiate the ejectment proceedings against the tenant already in possession of the property sold, after its purchase vide a valid registered sale deed. So in such like situation, the entire circumstances of the case are to be scrutinized in an analytical manner in order to say as to whether the act of alleged landlords in filing the ejectment proceedings immediately after the purchase of demised premises on the basis of his personal requirement is

bona fide, justifiable, credible or not. There is no dispute in this case that the SCO in which the demised premises is situated has been purchased by the petitioners vide sale deed Ex.P1 on dated 04.12.2006. Then it is also proved on the record that the petitioners at present are running their textile business under the name of M/s Navdeep Textile in a rental accommodation in SCO No.76, Sector 17-D, Chandigarh by paying a monthly rent of ₹18,500/- for the tenanted area of 1200 square feet, half of the ground floor with an equal area in basement. The respondent-tenant in this case has been paying the rent of ₹10,260/- per month for use and occupation of the entire tenanted area from first floor to fourth floor of SCO No.66-67, Sector 17-D, Chandigarh. So tenanted premises in which the petitioners at present are running their business is much less than the tenanted area of the case in hand of which they are seeking possession by ejectment of the respondent-tenant of this case under the provisions of Section 13 of the Act. Then as abovesaid the present petitioners are paying more rent to their landlord than the rent which they are receiving from their tenant for the use and occupation of demised premises. If a landlord purchases some property for a particular object, i.e. to expand his business, for using the same for his own residence etc. etc. then definitely, there is nothing wrong on his part if he starts the proceedings of ejectment of the party already in possession of this property as a tenant either immediately or after some time for his eviction therefrom after its purchase. In the case in hand as abovesaid petitioners are running their own business in the rented accommodation by paying more rent as compared to rent which they are receiving from the present respondent (tenant) qua the demised premises. Then the area of tenanted premises in their possession is much less than the area of the

demised premises of this case which is at present in possession of the present respondent-tenant. Then it is also a fact that they had spent a sum of ₹5 crores in purchasing building of the SCO, wherein the demised premises is situated with a view to expand their business of textiles. Here learned counsel for the petitioners has also cited the case law as delivered by the Hon'ble Apex Court in *M/s Sait Nagjee Purushotham & Co. Ltd. vs. Vimalabai Prabhulal & Ors. 2005(2) R.C.R. (Rent) 436*. In this case the landlord was doing business at place "A", they want to expand the same at place "B", their need of premises at latter place was found to be bona fide. It was also held that it is the privilege of landlord to choose the nature of the business and place of business. Tenant cannot advice a landlord in this regard.

18. Then another ground on which the petition was declined by both the Courts below was that after the filing of the instant petition, the petitioners had rented out the vacant portion of the SCO in question to York's International. Both the Forums below were of the view that had the alleged need of the petitioners qua the demised premises been bona fide, then they would not have let out that vacant portion of this building to anybody. Then both the Forums below were also of the view that petitioners had not brought on record any evidence to show that the alleged business being run in the premises let out during the pendency of the petition for York's International is being run by Ankur Bansal son of one of the petitioners and as such, it was not believable that Ankur Bansal is running his business of York's International in the said premises. Along with this revision petition, the petitioners have also filed CM Nos.24327-28 of 2011 seeking permission to place on record additional evidence, i.e.

Annexure P-1 (colly.) Form-F of 2007-08 and copy of the income tax returns for the assessment years of 2008-09, 2009-10 and 2010-11. On perusal of these documents, it is found that Ankur Bansal being proprietor of Gladrags has been running his business in SCO Nos.66-67, Sector-17, Chandigarh. The nature of business as mentioned in this record is of cloth and ready-made. These income tax returns show that said Ankur Bansal proprietor of Gladrags has been running the work of York's International Pvt. Ltd. in SCO No.66-67, Sector 17, Chandigarh. The abovesaid documents are the public documents and as such, it cannot be said that same can either be fabricated or procured subsequently in order to fill lacuna in the case of the petitioners (landlords). So it is difficult to say that the present petitioners had let out any portion of the SCOs in question during the pendency of this petition to any tenant other than Ankur Bansal, who is son of one of the petitioners namely Arjun Dass Bansal. Then the respondent also did not file any reply to the afroesaid CMs in order to rebut the contention as raised by the petitioners (landlords) in these CMs. Oral contention raised by the learned counsel for respondent that these documents cannot be looked into for deciding this revision, because the same were never produced on the record of this case before the learned Rent Controller during the trial is held to be not tenable for the reason that respondent did not file any reply to the said CMs. Moreover the documents which the petitioners wanted to produce and prove through these CMs in additional evidence are in consonance with their pleadings.

19. Then both the Forums below from the evidence as available on the file also came to the conclusion that except petitioner No.1, Bhim Sen Bansal, the other co-petitioners are not having any experience in the

business of sale of textile products which was held to be a ground for declining the relief of bona fide personal necessity as pleaded by the petitioners qua the demised premises. In this connection, the said both the Forums relied upon the statement of PW-1 Arjun Bansal as made by him in his cross-examination. But it is not the case of the petitioners that petitioners No.2 to 4 are having any experience in the business of textile. In this connection their simple plea is that petitioners No.2 to 4 are without any work or vocation and that petitioner No.3 is assisting petitioner No.1 in his textile business intermittently. But one fact is quite undisputed that petitioner Bhim Sen Bansal is in the business of sale of textile products since the year 1982 which he is presently running in some tenanted premises of SCO No.76, Sector 17-D, Chandigarh under the name of M/s Navdeep Textile. So this vast experience of petitioner No.1 in the business of textiles, could certainly be quite useful for the extension of his business which he is presently running. In that eventuality, the other petitioners can also lend their help to him directly or indirectly in order to make their endeavour of expansion of business as pleaded by the petitioners to be successful. Then petitioner No.1 could also guide the remaining petitioners in a rightful manner by using his vast experience in the said business in order to achieve the said desired object. So if petitioner Nos.2 to 4 are not having any experience in the business of sale of textile products that cannot be held to be a ground for holding that the alleged personal necessity as projected by petitioners-landlords qua the demised premises is not bona fide one. Even if a person is to start any work without any experience, then he is to be responsible for the entire profit or loss which he is going to earn or incur on account of his inexperience and for this, he is not to be denied the relief of

personal necessity qua the demised premises. Moreover experience is not a pre-condition for seeking ejectment of tenant from demised premises on the ground same being required by the landlord for his business purpose or for expansion of his business, if he is running any business already.

20. Then it is also contended by the learned counsel for the petitioners that respondent has vacated the demised premises since the year 2013 by shifting their office therefrom to the building belonging to Punjab School Education Board, Mohali and now the demised premises is got locked by them unnecessarily. Herein he has referred to one Annexure AA-4 i.e. copy of the information as received from the office of respondent under the RTI Act. In this document it is narrated in clear terms without any exception that the office of respondent has been functioning from Punjab School Education Board Building Mohali, since June 2013. On the other hand learned counsel for the respondent has denied the above stand of the petitioners and has submitted that respondent is very much in possession of demised premises till date. In this regard it is his contention that office of the respondent-department has temporarily been shifted to the abovesaid building of Punjab School Education Board, since the demised premises required some necessary repairs for its proper use for the office purpose. They could not carry out the necessary repairs in these premises, because some civil litigation qua the same is pending between the parties in the civil Court. The learned counsel for the respondent herein has also contended that document Annexure AA-4 could not be read into evidence because there is no plea of cease to occupy pleaded in the petition as a ground to seek ejectment of the tenant from the demised premises. There may be some civil litigation pending between the parties but that does not bar the

respondent from approaching concerned Rent Controller under Section 12 of the Rent Act for seeking permission to carry out the alleged necessary repairs in the demised premises. They have done nothing in this regard since the last more than 2 years. It is correct that in the petition ground of cease to occupy is not taken. Then it is to be noted that this ejectment petition was filed in the year April 2007 and whereas the alleged document Annexure AA-4 came into its being in the year 2013 during the pendency of the proceedings of the instant ejectment petition, so such like document can be looked into being subsequent event and also for the reason that same has been issued by the office of respondent department itself.

21. The learned counsel for the respondent has further contended that there are concurrent findings of fact in favour of the respondent recorded by both the Forums below and as such, the same are not to be disturbed as a matter of routine. But it is not an absolute rule to be followed in each and every case. If the findings of both the Courts below are found to be illegal or perverse or the result of misinterpretation of the pleadings as well as evidence available on the file, then the Revisional Authority while exercising the revisional jurisdiction can make its interference qua these findings. In the case in hand the conversion of use of the SCOs into commercial purpose as per the provision of aforesaid Notification dated 03.11.2003 of U.T. Chandigarh, Government of India, is permissible subject to payment of certain charges as provided under the Rules, but both the Forums below have failed to take note of this fact. Their simple observation in this regard is that the demised premises are part SCO and same cannot be used for any purpose other than office use. Then it is also an established fact that petitioners-landlords are running their textile business at present in

a rental accommodation in a portion of SCO No.76, Sector 17-D, Chandigarh where they are paying more rent to their landlord than the rent they are receiving from the respondent herein (tenant) for the use and occupation of the demised premises in question. Then both the Forums below are also found to be of the opinion that all the petitioners except petitioner No.1 are not having any experience in the business of sale of textile which is also found to be wrong, because there is no law requiring any experience for any petitioner to seek the ejectment of a tenant from any premises for his personal use and occupation for expanding his business. Then it is also the case of the petitioners that there were other tenants also in the demised premises against whom they have also lodged proceedings for their eviction therefrom. If the petitioners have filed the instant petition within few months after purchase of the SCO in question, then that also cannot be treated to be a ground to decline the relief of personal necessity, if the petitioners/landlords succeed to prove that their alleged need qua the same is bona fide one, which in the present case they have succeeded to prove.

22. The learned counsel for the respondent has also contended that in order to seek ejectment of tenant from the demised premises by a landlord on the ground of his personal necessity, his alleged necessity must be bona fide with an element of need. It is also his submission that in the case in hand the alleged need of the petitioners qua demised premises is merely a wish/whimsical desire to seek the ejectment of the tenant on flimsy ground. In support of his contention he has relied upon the case law as laid down by Hon'ble Apex Court in case titled as ***Ram Dass vs. Ishwar Chander, 1988(1) RCR (Rent) 625***. Then he has also relied upon another authority of

this Court as laid down in ***R.K. Jain vs. Khanzan Singh, 1980(1) RCR (Rent) 687***. In this case law landlord want to shift from Ludhiana to Chandigarh on the plea of treatment. There came no evidence on the record that medical aid was not available at Ludhiana. It was held to be a mere wish devoid of element of need. Mere wish or want is not sufficient to seek the ejectment of the tenant on the ground of personal necessity. But in the case in hand the alleged personal necessity of petitioners qua demised premises is held to be just as well as bona fide. Hence the above cited case laws are not applicable to this case.

23. In the light of the above discussion, this revision petition stands accepted. Impugned order as well as judgment passed by both the Forums below are set aside. Ejectment petition filed by the petitioners for seeking ejectment of the respondent from the demised premises on the ground of personal necessity stands accepted. The respondent is directed to vacate the demised premises and to deliver its vacant possession to the petitioners / landlords within a period of 2 ½ months from today. Record of both the Courts below be sent back along with copy of this judgment for the compliance.

**July 21, 2015**  
*Gaurav Sorot*

**( GURMIT RAM )**  
**JUDGE**