

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 5593 of 2014 (O&M)
Date of Decision: 20.3.2015.**

Hari Singh

.....Petitioner

Versus

Mulakh Raj

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Kiran Bala Jain, Advocate
for the petitioner.

Mr. Himanshu Sharma, Advocate
for the respondent.

SABINA, J.

Respondent had filed the petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 seeking ejectment of the petitioner. The learned Rent Controller vide order dated 7.4.2012 allowed the ejectment petition. The said order was upheld by the Appellate Authority vide judgment dated 14.7.2014. Hence, the present petition by the petitioner-tenant.

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

In the present case, landlord had sought ejectment of the petitioner on the ground that the tenant was in arrears of rent with effect from 1.6.2004 and the landlord required the premises in question for his own personal use and occupation and that the tenant had failed to prove himself to be a good tenant.

Both the parties led their evidence in support of their

case.

The first plea taken by the tenant that there was no relationship of landlord and tenant between the parties, was rightly discarded by the Courts below as Mangal Dass was admittedly the owner of the premises in question. Mulakh Raj-respondent is the son of Mangal Dass. Petitioner had admitted in his cross-examination that Mulakh Raj was the only son of Mangal Dass. Therefore, it was evident that after the death of Mangal Dass, Mulakh Raj inherited the property of his father. So far as Krishan Lal is concerned, he is the son of Mulakh Raj. There is nothing on record to suggest that the property in question had been transferred by Mulakh Raj in favour of his son. Although, petitioner had placed reliance on Annexures P-1 and P-2 to establish his plea that he had been inducted as a tenant by Krishan Lal but the said documents fail to advance the case of the petitioner as Krishan Lal was not the owner of the premises in question. Moreover, Krishan Lal appeared in the witness box and had stated that in fact, his father was owner of the premises in question. A perusal of Annexures P-1 and P-2 reveal that Krishan Lal has been described as owner of the property whereas he was not owner of the premises in question and has, thus, no authority to execute the said documents. In these circumstances, the Courts below rightly held that the ejectment petition filed by the respondent, was maintainable.

Petitioner had failed to tender rent as he had disputed the relationship of landlord and tenant between the parties. Since the petitioner had failed to tender rent, the Courts below rightly held that the petitioner was in arrears of rent.

The case of the landlord was that he required the

premises in question for his personal use and occupation as the existing accommodation was not sufficient for his family members. It is a settled proposition of law that the landlord is the best judge qua his needs and requirements. There is nothing on record to suggest that the need put-forth by the landlord was not genuine. The Trial Court, thus, rightly held that the need put-forth by the landlord that he required the premises in question for his personal use, was genuine.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 20, 2015
Gurpreet