

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

**118**

**Civil Revision No.5911 of 2015(O & M)  
Date of Decision:21.09.2015**

Charanjeet Singh

....petitioner

Versus

Rakesh Kumar Mehta and another

.....respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI**

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not? YES**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.R.S.Chauhan, Advocate  
for the petitioner

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**ARUN PALLI, J.(ORAL):-**

Vide order being assailed, dated 24.12.2012, rendered by Rent Controller, Ludhiana, eviction of the petitioner has since been ordered from the demised premises. As even the appeal against the said order failed, and, was dismissed vide judgement dated 12.08.2015, the petitioner-tenant is before this Court.

In a petition filed by the respondents-landlord, ejection of the petitioner was sought from the demised premises i.e.a shop, on two grounds i.e. non-payment of rent and personal bona fide need of the respondents. It was maintained that the petitioner had not paid rent w.e.f.01.08.2008 @ ₹10,000/- per month and the demised premises was required by the respondents for use

and occupation of their son namely Arjun Mehta, who was a graduate and 23 years of age. He required the premises to set up his own business.

In defence, it was pleaded, inter alia, that the alleged need of the respondents/landlord to occupy the premises in question was neither genuine nor conceived in good faith. Further, claim as regards arrears of rent @ ₹10,000/- w.e.f.01.08.2008 was misconceived, since the petitioner had paid rent @ Rs.4000/- per month up to 01.08.2009.

On a consideration of the matter in issue and the evidence on record, the learned Rent Controller arrived at a conclusion that since the petitioner had paid the rent @ ₹10,000/- per month, as was provisionally assessed, issue No.1 had become redundant. As regards, personal necessity, it was fully proved on record that demised premises was required by son of the landlord i.e.Arjun Mehta, who was fully qualified for running the business. Plea set out by the petitioner that the respondents also owned another accommodation in the same local urban area, remained unsubstantiated on record, for lack of any evidence. Accordingly, ejectment of the petitioner was ordered.

Being aggrieved against the order of eviction, the petitioner had preferred an appeal. Learned Appellate Authority reviewed the matter in issue, evidence on record and on an analysis thereof, found itself in concurrence with the view drawn by the Rent Controller as regards personal bona fide need of the landlord.

Consequently, appeal was dismissed.

I have heard learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner simply seeks to reiterate the submissions that were advanced before the Courts below and rejected after a due and comprehensive consideration. No other argument was advanced.

Concededly, the respondents had sought eviction as they required the premises to settle their son Arjun Mehta, who was about 23 years of age and a graduate in Computer Application. Respondent No.1 (PW1), appeared in support of his case and proved his claim. He testified that his son was married and currently doing nothing. Likewise, even son of the respondents i.e.Arjun Mehta (PW5) tendered his duly sworn affidavit Ex.PB and proved the version set out in the eviction petition. So much so, petitioner Charanjeet Singh (RW1) also stated that Arjun Mehta was a graduate in Computer Application and pursuing his Masters. But he failed to lead any cogent or credible evidence to show that son of the respondents was either employed or engaged in any other profitable venture. Nothing was brought on record to show that the respondents were in occupation of another accommodation in the same urban area or had vacated any without any sufficient cause. Likewise, no evidence was led to prove that Arjun Mehta was occupying another non-residential building in the same urban area. Once, respondents had set out a prima facie case as regards their need to occupy the premises, the presumption was that their need was true and conceived in good faith. No evidence was led to rebut the said

presumption. Learned counsel for the petitioner could not point out as to how the conclusions arrived at by the Courts below were either contrary to the position on record or suffered from any material illegality.

That being so, no interference in exercise of revisional jurisdiction under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949, is warranted. The petition being devoid of merit is accordingly dismissed.

**21.09.2015**

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**(ARUN PALLI)  
JUDGE**