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

CR No.5966 of 2013 (O&M)

Date of decision: May 25, 2015

Ms. Neeraj

.....Petitioner

Versus

Shri Raghuvir Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.R. Vohra, Advocate
for the petitioner.

Mr. Sharan Sethi, Advocate
for the respondent.

SABINA, J

Respondent had filed petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 ('Act' for short) seeking ejectment of the petitioner from the demised premises. Rent Controller vide order dated 21.02.2013 dismissed the ejectment petition. Aggrieved against the order passed by the Rent Controller, respondent filed an appeal. The Appellate Authority vide the impugned order dated 02.09.2013 allowed the ejectment petition. Hence, the present petition by the tenant.

Learned counsel for the petitioner has submitted that the Appellate Authority has erred in allowing the ejectment petition as the respondent had failed to establish his plea of bonafide necessity.

Learned counsel for the respondent, on the other hand has submitted that the respondent was presently residing with his brother in one room and required the premises in question for his own personal use and occupation.

Respondent had sought ejectment of the petitioner from the premises in question on the ground that he required the same for his own personal use and occupation. The case of the respondent

was that he was putting up in one room at Chandigarh with his wife. In fact, the landlord-respondent was not even having facility of a kitchen in the said premises. Respondent required the residential premises given on rent to the petitioner for his own use and occupation. It is a settled preposition of law that the landlord is the best judge qua his needs and requirement. There is nothing on record to suggest that the respondent owned any other property in Panchkula or Chandigarh, where the demised premises is situated. Presently, respondent is residing in the premises which belong to his brother, whereas, he wants to shift in the demised premises which is owned by him. In the facts and circumstances of the present case, the learned Appellate Authority had thus, rightly allowed the ejectment petition filed by the respondent. Moreover, as per Section 13 of the Act, in case the landlord fails to occupy the building in question for the purpose for which possession was obtained for a continuous period of twelve months from the date of obtaining possession, then the tenant, who has been evicted, may apply to the Controller for an order directing that possession of the said building be restored to him and the Controller shall make such an order, accordingly.

Hence, no ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 25, 2015
m.singh