

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

**Civil Revision No.621 of 2015 (O&M)
Date of Decision: January 27, 2015.**

Jassa Singh through legal representatives

.....PETITIONER(s).

VERSUS

Gurjit Singh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parminder Singh, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The ejectment of the revision petitioner was ordered from the demised premises on the ground of personal bona fide necessity pleaded by the respondent-landlord. The respondent-landlord is presently residing at Kotkapura and besides other grounds seeking ejectment of the revision petitioner from the demised premises, he pleaded that he required demised premises for his personal use and occupation as he has no other building in the Municipal limits of Malout where the demised premises is situated.

The revision petitioner contested the plea taken by the respondent-landlord in reply.

Rent Controller, Malout while allowing the ejectment petition reached the conclusion that the personal bona fide necessity of the respondent-landlord for the residence and business was proved and the revision petitioner-tenant could not rebut this plea of respondent-landlord.

The appeal filed before Appellate Authority, Sri Muktsar Sahib was dismissed with the observations in para 12 of the judgment which reads as follows:-

“12. Now the remaining ground is of personal necessity, which has been sought by the petitioner before the learned Rent Controller. Learned counsel for the appellant referring to para no.4(E) of the petition contended on the point that he has not mentioned about vacation of any other building within the municipal area of Malout, but on this account, petitioner has specifically alleged in the petition that he has no other building in Municipal limits of Malout except the disputed building. Petitioner also specifically alleged the fact that he requires the premises for his own needs. Similarly, he has led evidence in his affidavit Ex. AW5 wherein he has further elaborated the fact that he has also not vacated any such building in the Municipal area after the passing of Rent Act and he is not in possession of any building within the Municipal limits of Malout. Petitioner also specifically deposed the fact that he requires the premises for his own use and occupation. Petitioner has been cross-examined at length by the learned counsel for the respondent, but he has failed to elicit any such material, which proves the fact that the petitioner is also in possession of any other building. Moreover, even respondent has not led any evidence on this account.”

It is not disputed that there is no evidence on record that the respondent-landlord has no other shop or premises at Malout to start his business there.

Learned counsel for the revision petitioner has assailed the

judgment passed by the Appellate Authority on the ground that presently, respondent-landlord has business at Kotkapura which is about 50 kilometres from Malout and it is not possible to shift to a place situated far away to carry on another business.

The above plea raised by learned counsel for the revision petitioner has no basis. No evidence was produced before the Rent Controller or any argument was raised before the Appellate Authority that the respondent-landlord owns any building/premises at Kotkapura or is carrying on any business therein in his name. From the statement made by the respondent-landlord, as extracted in the grounds of revision, it appears that there is some grocery shop being run at Kotkapura by brothers of respondent-landlord. This does not depict that respondent is having any business in his name at Kotkapura and he is carrying on business with his brothers. He has every right to start business at the place of his choice to earn his livelihood.

On perusal of the paper book, order passed by the Rent Controller and judgment passed by the Appellate Authority, I find no legal or factual infirmity therein calling for any interference.

This revision petition has no merits. Dismissed.

(SURINDER GUPTA)
JUDGE

January 27, 2015.
Sachin M.