

CR No.7177 of 2013 (O&M)

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

**CR No.7177 of 2013 (O&M)
Date of decision:29.01.2015**

P.J.S. Mehta

...Petitioner

Versus

Avtar Singh and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Atul Lakhanpal, Senior Advocate, with
Mr. Jasmandeep Singh, Advocate, for the petitioner.

Rakesh Kumar Jain, J.

The defendant is in revision against the concurrent orders of
eviction passed by both the Courts below.

The landlords filed a petition under Section 13 of the East
Punjab Urban Rent Restriction Act, 1949 (here-in-after referred to as the
“Act”) regarding first floor of House No.214, Sector 19-A, Chandigarh,
inter alia, on the ground of personal necessity.

The Rent Controller and the Appellate Authority have found
the necessity of the landlords to be *bona fide* while deciding issue no.2-A by
giving detailed reasons.

Learned counsel for the petitioner has vehemently contended
that need of the landlords was not *bona fide*. It is submitted that they have
not come to India as all of them are living at London. It is also submitted

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that the landlords are in occupation of the ground floor and second floor of the suit property, therefore, they do not require the accommodation on the first floor.

I have heard learned counsel for the petitioner at length and perused the available record from which I have found that both the Courts below have recorded a concurrent finding of fact on the basis of evidence brought on record by which the landlords have proved their *bona fide* as they are 9 members in the family and allegedly have to stay in the hotel etc.

It is now well settled that *bona fide* need of the landlord cannot be dictated by the tenant.

In view of the above, I do not find any merit in the present revision petition and hence, the same is hereby dismissed.

January 29, 2015
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(**Rakesh Kumar Jain**)
Judge