

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 1897 of 2016 (O&M)
Date of decision : March 16, 2016

Sahib Singh,

..... Petitioner

v.

Shri Bachan Singh,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Subhash Ahuja, Advocate
for the petitioner.

Mr. JS Dahiya, Advocate
for the respondent.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This petition has been filed against the concurrent orders passed by the Courts below evicting the petitioner from the demised premises.

The petitioner was a tenant in a two rooms set at the first floor of the house of the respondent. The respondent filed the instant petition claiming that he was living in the premises which had four rooms and where he, his wife and his three married sons each of them had two children had to live. In the written statement, the petitioner pleaded that the respondent had not disclosed that the ground floor and the top floor of the same building

were also lying vacant and, therefore, the respondent was guilty of not having made the disclosure as mandated by Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short “the Act”). This fact further was not explained in the replication also. However, both the Courts noticed the number of members in the family of the respondent and as regards non-disclosure, relied upon Baldev Raj vs Ram Lal, 2006(4) CCC 264 and held that this issue has to be dealt with and can be considered on the basis of evidence led before the Court. On considering the evidence, the Courts below found that the accommodation in the possession of the respondent-landlord was grossly inadequate for his family and, thus, accepted the plea of personal necessity.

Counsel for the petitioner has relied upon Brij Bhushan and another v. Sanjay Harjai and another, 2015(2) RCR (Civil) 68, and Pritam Singh Bakshi v. Sukhdev Kaur and others, 2014(1) RLR 433 to contend that in both these cases, this Court had declined eviction on the ground of non-disclosure.

A perusal of the aforesaid decisions reveals that in both the cases the Court found as on fact that the landlord was either in occupation of other premises which were enough for him or had let out other premises which he could have used for himself and this was the main determinant even though reference was made to the provisions of Section 13 of the Act.

In my opinion, the decisions in the aforesaid both the cases would be distinguishable for the simple reason that in the present case, the premises in occupation of the respondent are grossly inadequate. This fact has been so noticed by the Courts below. Even if it is admitted that on the

ground floor of the building occupied by the petitioner there is a two rooms set and on the top floor there is one room set but even if those premises are put to use by the respondent-landlord still the accommodation in his possession is inadequate for his use. In these circumstances, no fault can be found with the impugned orders of the Courts below. Consequently, this petition is dismissed.

March 16, 2016
`kk'

(AJAY TEWARI)
JUDGE