

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R No. 3782 of 2015 (O&M)

Date of decision : March 29, 2016

Dr. GR Nagpal,

..... Petitioner

v.

Manish Kumar and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. YP Khullar, Advocate
for the petitioner.

Mr. John Kumar, Advocate
for the respondents.

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 of the Courts below allowing the petition filed by the respondents for eviction of the petitioner from the shop in dispute on the ground of personal necessity.

The landlord/respondents pleaded that another shop of which there were in possession had become dilapidated and, therefore, they required the shop in dispute so that respondent No.1 could relocate his business there. One of the plea taken by the petitioner-tenant was that the respondents had not made the mandatory disclosures under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973.

Both the Courts found that the respondents had made the necessary disclosures and found that the shop in possession of the respondents had become dilapidated and their requirement was bona fide.

Counsel for the petitioner has argued that in case the respondents want to shift to the shop under the occupation of the petitioner-tenant, they should hand over the dilapidated shop to him and that he would reconstruct the same at his own expenses and would be ready to pay the market rent for the same.

I am afraid this argument of counsel for the petitioner is baseless since there is no law which permits that a tenant should be handed over some alternative accommodation.

Counsel for the petitioner has further argued that even as per the case of the respondents, half of the shop in dispute is in their possession.

This fact was also considered by the Courts below who have come to the conclusion that the said portion is owned by the respondents with a third person who is a tenant in that portion. I see no reason to take a different view. Consequently, this petition is dismissed being devoid of any merit.

March 29, 2016
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(AJAY TEWARI)
JUDGE