

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

**Civil Revision No.4254 of 2016 (O&M)
Date of Decision:August 01, 2016.**

Ramesh Chand

.....PETITIONER(s).

VERSUS

Ramesh Chand Dogra

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Subhash Ahuja, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Respondent-landlord Ramesh Chand Dogra sought ejectment of revision petitioner Ramesh Chand from the demised premises on the ground of personal bona fide necessity, which was described in para 4 of the rent petition as follows:-

“4. That the applicant requires the premises for his own use and occupation as the applicant is owning this rented premises only. He has no other house to live in Chandigarh and he is to live in Chandigarh. The accommodation in which he is presently residing belongs to the relative of the applicant. The applicant recently married his son with Mrs. Aarti Dogra. Therefore, there is extreme need of one room, kitchen, Bathroom and toilet to applicant to cater the need of his family. Therefore, the applicant requiring the tenanted premises for his own use and occupation forthwith. The applicant is presently occupying H.No.709 comprising of two room set with drawing dining on the ground floor. Therefore, there is extreme need of one room for the family of the applicant as the applicant is

comprising of he himself, his wife, his married son (recently married), unmarried daughter and one married daughter who visits the applicant time to time. Therefore, under such circumstances the married son of the applicant, Amit Dogra and his wife Aarti Dogra who is daughter-in-law of applicant, are to be adjusted in the family. Therefore, the accommodation available with applicant is totally insufficient to meet the requirement of the applicant. So much so the relative of the applicant is also goading him to vacate the premises of H.No.709, Sector 22-A, Chandigarh where he is presently living. Therefore, there is bona fide need of the applicant to acquire the tenanted premise. He required the tenanted premises for his own use and occupation.”

The pleas taken by the respondent-landlord were contested by the revision petitioner and learned Rent Controller discarded the plea of the landlord seeking ejectment of revision petitioner from the demised premises with observation that the need of landlord for demised premises is not bona fide.

In appeal, the Appellate Authority reversed the finding of the Rent Controller with the observation that he failed to apply mind and decided the issue of personal bona fide necessity of the landlord for the demised premises merely on the basis of whims, presumptions and assumptions.

Admittedly, respondent-landlord is presently residing in house No.709, Sector 22-A, Chandigarh, which was allotted to one Tulsi Ram and after his death, ownership is recorded in the name of Prempal and Shakuntala Devi, adopted children of Tulsi Ram. In that house, respondent-landlord has two rooms' accommodation and his family comprise of (i) respondent-landlord himself, (ii) his wife, (iii) his son, (iv) wife of his son,

(v) two married daughters out of whom one is unmarried and one is married. It is proved on file that the respondent-landlord owns no other property except the demised premises, which is in possession of revision petitioner. If the necessity of a landlord having such large family, living in an accommodation provided by someone whether as licensee or in any other capacity, is not termed bona fide, in that case, there could not be any better example of bona fide necessity for the premises by the landlord. The premises in possession of revision petitioner comprises of one room, kitchen, common bathroom and toilet. Presently, the son of petitioner is posted in Jammu and one of his daughter is married. Whenever a married son or married daughter visits his/her parents, they are required to be accommodated. One daughter of respondent-landlord is unmarried and living with him. Appellate Authority has rightly observed that learned Rent Controller got swayed by the whims, presumptions, assumptions and irrelevant facts while reaching the conclusion that the need of the landlord is not bona fide. Perusal of the need projected by the landlord in para 4 of the petition clearly depicted that he requires the demised premises for his personal bona fide necessity which include the necessity of his son, daughters and wife. However, learned Rent Controller got swayed by the fact that the personal bona fide necessity is for landlord's son and wife, who are now posted in Jammu. Even if, it be believed that the landlord requires the premises for his son and his wife, the plea taken by him could not be discarded on the mere ground that the son is now posted and living at Jammu along with his wife. Even a married son or daughter when visit their parents, require accommodation during their stay with them. The approach

of learned Rent Controller was highly technical, improper, perverse and unsustainable in the eyes of law and has rightly been differed and rejected by the Appellate Authority.

I find no illegality or perversity in the observations made by the Appellate Authority, calling for any interference in the order under revision.

This revision petition has no merits.

Dismissed.

August 01, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

√
Yes/No

Whether Reportable:

√
Yes/No