

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

**CM-1139-CII-2016 in
CR-72-2016 (O&M)
Date of decision : 01.02.2016**

Rajinder Kumar and others

..... Petitioners

versus

Satpal and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Arun Bansal, Advocate
for the petitioners.

1. Whether Reporters of local papers 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)

CM-1139-CII-2016

For the reasons recorded, application is allowed.

Documents Annexures P-5 to P-10 are taken on record.

CR-72-2016

This revision has been filed against the judgment of the Appellate Authority reversing that of the Rent Controller and thereby ordering the eviction of the petitioners.

The brief facts of the case are that the petitioners took the premises on rent in 1977. It is admitted that the landlord-respondent No.1 has 3 sons and he filed the petition in the year 2004 seeking

eviction of the petitioners-tenants inter-alia on the ground of personal necessity by praying that he wanted to open business for his two sons. However, by the time he appeared to give testimony i.e. after 4 years he stated at that stage both his elder sons were doing business but the third son was still not doing anything. Thereafter a further period of 5 years elapsed and in 2013 the respondents moved an application for additional evidence to show that in the meantime the 3rd son of the respondent No.1 had also joined the business. It is on the strength of these developments that the learned counsel has argued that need of the landlord is not proved to be genuine. As per him, once it is accepted that all 3 sons are doing business the requirement for the premises in dispute can not be proved.

In my opinion, these arguments have two anomalies. It is not stated that at the time of filing of the rent petition any wrong fact was mentioned. However, it took 9 years for the rent petition to be decided and even if it is accepted that sons of the landlord-respondent No.1 started doing business it is not proved as to whether they have adequate space to do their work. If out of compulsion a person starts working from an inadequate space it can not be assumed that the requirement for adequate space is not there. Thus it has to be held that developments which may have taken place over a period of one decade can not be determinative to decide the present case.

No other argument has been raised by the learned counsel for the petitioners.

Revision is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

01.02.2016

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**