

101

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

**C.M. No.6518-CII-2016 in/and
C.R. No.8104 of 2014 (O&M)
Date of Decision : 30.03.2016**

Pardeep Kumar Sikka through his LRs

..... Petitioners

Versus

Harpal Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anupam Bhardwaj, Advocate
for the petitioners.

Mr. Kanwal Goyal, Advocate
for the respondent.

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)

C.M. No.6518-CII-2016

For the reasons recorded, the application is allowed subject to all just exceptions. Affidavit of respondent alongwith documents Annexure R-1(Colly) are taken on record.

C.R. No.8104-2014

This petition has been filed against the order of eviction passed against the petitioner-tenant.

The respondent-landlady had filed a petition for eviction on

two grounds; one for non-payment of rent and the other on the ground of personal necessity. The Rent Controller allowed the eviction petition on the ground of non-payment of rent but rejected the ground of personal necessity. Both parties filed appeals. The appeal of the landlady was allowed and it was held that she is also entitled to evict the petitioner on the ground of bonafide need of personal use and occupation. However, the appeal of the petitioner against the finding that he failed to pay the enhanced rent was dismissed. As regards the rent, the case of the landlady was that the premises had been originally let out @ Rs.3500/- p.m. and there was a stipulation that there would be an increase of 5% p.a. but the petitioner denied this. Consequently, the provisional rent was assessed @ Rs.3500/- p.m. which the petitioner deposited. However, during evidence it transpired that earlier the petitioner had given cheques to the landlady of an amount which included 5% escalation cost. On the basis of these cheques both the Courts below held that the petitioner had admitted that there was indeed 5% escalation clause and hence tender of rent @ Rs.3500/- p.m. was invalid.

As regards personal necessity, the Rent Controller was influenced by the fact that in the house of the husband of the landlady there were six rooms which were of commercial nature where she had been running her boutique and apart therefrom there were four other shops owned by her husband and brother-in-law. On the other hand, the Appellate Authority held that even if those facts are correct there could not be any unreasonability if the landlady wants to shift to her own premises and

consequently held her personal necessity to be established.

I concur with the findings of both the Courts below and it is held that the respondent-landlady is entitled to evict the petitioner on both grounds.

Consequently, the petition is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 30, 2016
ashish

(AJAY TEWARI)
JUDGE