

106

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

**C.R. No.99 of 2016 (O&M)
Date of Decision : 26.04.2016**

Sushma Rani and another

..... Petitioners

Versus

Shri Sanatan Dharam Mahavir Dal and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.K.S. Bedi, Advocate
for the applicants-petitioners.

Mr. Amandeep Agnihotri, Advocate
for the respondent No.1.

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)

This revision has been filed against the concurrent orders of eviction passed against the petitioners.

The respondent No.1 is a registered society and had filed the instant petition for eviction of the petitioners on the ground that they required the premises under the occupation of the petitioners for constructing a Dharamshala. The essential claim of the petitioners was that their predecessor-in-interest one Pandit Om Nath Kamal @ Sachidanand had in fact established this temple and was the pujari and it was in that capacity that he was in occupation of the residential premises and his

samadhi is also in the precincts.

Learned counsel for the petitioners has laid particular stress on the fact that earlier the respondent No.1-society had filed a suit for mandatory injunction to direct the petitioners to vacate the premises in dispute and in that case it had taken the specific plea that the petitioners were licensees and now they could not take the plea that they were tenants.

Learned counsel for the respondent No.1-society has argued that though the predecessor-in-interest of the petitioners was the pujari yet the entire complex and the building was owned by the registered society-respondent No.1 which was earlier working as a voluntary non-registered organization and was formally registered in the year 1996. Further after the earlier suit was decided the petitioners had accepted that they would henceforth be tenants and had executed rent note Ex.A2 and that is why the instant petition was filed under the East Punjab Urban Rent Restriction Act.

I find weight in the arguments of the learned counsel for respondent No.1-society. Once both the Courts below found as a fact that the petitioners had executed rent note, they would not now be able to challenge the assertion that the respondent No.1-Society was their landlord. Moreover, there is no argument regarding the personal necessity shown by the society which wants to construct a Dharamshala. The tenants had also taken a plea (though not pressed before me) that there was other land available but it is for the landlord to decide as to how and what use he wants to take from different properties. The Court has only to see whether the need projected is malafide or bonafide. Hence, I see no infirmity in the

impugned orders.

Petition is dismissed. However, to enable the petitioners to make some alternate arrangements they are granted two months' time to vacate the premises in dispute.

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

April 26, 2016
ashish

(AJAY TEWARI)
JUDGE