

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

**CR No.1572 of 2017(O&M)**

**Date of Decision:-11.09.2017**

**M/s Harmilapi Enterprises.**

.....Petitioner.

Versus

**Managing Committee Arya College, Panipat (Regd.).**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Vinod Gupta, Advocate for the Petitioner.

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**JASWANT SINGH, J. (ORAL)**

Petitioner (tenant) is in revision directed against the concurrent findings returned by the Authorities below whereby the ejection application filed by the respondent-College has been allowed on the ground of its personal necessity to expand the building of the college by learned Rent Controller, Panipat vide judgment dated 20.09.2014 and findings thereof were affirmed by the learned Appellate Authority, Panipat vide judgment dated 20.08.2016.

Learned Counsel for the petitioner has argued that the respondent (landlord) had let out a building to the bank which was subsequently got vacated from them and thus, the necessity as projected by the landlord does not survive. He has secondly argued that the respondent-college has already constructed a lab and expanded the college and, therefore, the necessity as projected by the landlord no more survives.

Finally it has been argued that there are other shops also which are lying vacant and the same can be used for the said purpose of expansion. Hence it has been argued that the necessity as being projected by the respondent (landlord) is only a desire to get the premises vacated and, therefore, the ejectment application by the respondent-College is liable to be dismissed.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

A perusal of the record would reveal that the respondent-College has filed the ejectment application on the ground that it intends to expand the college premises with the advent of more students coming to study in the college and by the introduction of the new courses, subject and faculties. It is also the case of the respondent-college that it needs to add 100 to 125 rooms in the college for its expansion and for the said purpose, the demised shop along with other shops which are adjacent to it are required for the said expansion. To the mind of this Court all the three arguments as raised by the learned Counsel for the petitioner tenant would pale into insignificance in view of the necessity as projected by the respondent-college. PW-1 Jagdish Gupta who is a authorised representative of the respondent-college has categorically deposed about the above said facts and has reiterated the version of the college that the demised shop along with other shops are required to be got vacated for the purpose of expansion which includes the Administrative Block as well as Labs. No rebuttal is forthcoming on the record to dispell a strong presumption of bonafide necessity projected by the College for expansion.

In view of the above, finding no merit in the present revision petition the same is hereby dismissed.

( JASWANT SINGH )  
JUDGE

September 11, 2017  
Vinay

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |