

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Civil Revision No.2011 of 2016 (O&M)

Date of decision: May 03, 2017

Kunal Kamra

...Petitioner

Versus

Managing Committee, Arya College, Panipat

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harkesh Manuja, Advocate for the petitioner.
Mr. Bhupinder Singh, Advocate for the respondent.

Rajan Gupta, J.

Present revision is directed against the concurrent findings of the courts below, whereby eviction of the petitioner from the demised property has been directed on the ground that the property was *bona fide* required by the landlord.

It has been urged before the court that the finding of the courts below is erroneous. Certain other shops were vacated on the basis of eviction petition(s) preferred by the respondent committee. After vacation thereof, premises had again been rented out by the landlord. Thus, its ground of *bona fide* requirement is untenable. In support of his case, petitioner has placed reliance on judgment reported as ***Hasmat Rai and another vs. Raghunath Prashad, 1981 (2) R.C.R. (Rent) 401.***

Prayer has been opposed by the counsel for the respondent/ landlord.

It appears, certain shops were constructed by respondent committee, which runs a school at Panipat. One of the shops was let out to the petitioner on a monthly rent of Rs.5500/- demised premises being a shop. It filed instant eviction petition on the ground that tenant was in arrears of rent

and there was *bona fide* requirement of the committee to expand the premises for construction of a dispensary, laboratory etc., in order to provide better facilities to the students. Trial court found substance in the plea of the landlord and allowed the eviction petition. Tenant appealed against the said order. However, appellate court came to the same conclusion. It found that the Institution had right to expand its activities. In case it needed to construct an administrative block, laboratory etc., it had freedom to do so. However, this could be done only if shops in question were vacated by various tenants. I find no ground to interfere with the concurrent findings of the two courts below. It is evident that respondent is Managing Committee, Arya College, Panipat, which is running an educational institutions. It is necessary for the committee to construct administrative block, laboratory, dispensary, library etc. Besides, it may need the premises for expanding its activities. In such a situation, plea of the tenant that landlord-committee had no *bona fide* requirement, is without any merit. The judgment in *Hasmat Rai's case (supra)* is not applicable to the facts of the instant case. It needs to be noticed that while issuing notice of motion, this court had passed an interim order asking the executing court to adjourn the proceedings. Petitioner/tenant has been in possession of premises for almost two years during the pendency of this petition. As this court upholds the findings of the two courts below, tenant would be required to vacate the premises forthwith. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 03, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No