

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

**CR No.4553 of 2007**

**Date of Decision:-30.08.2017**

Rakesh

.....Petitioner.

Versus

Ramesh Chand

.....Respondent.

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

Present:- None petitioner-tenant.

Mr. N.D. Achint, Advocate for the respondent-landlord.

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

The tenant has filed the present revision directed against the concurrent findings recorded by both the Authorities below whereby he has been evicted from the demised shop bearing MC No.1021, Ward No.3, Palwar Road, Sohna, District Gurgaon on the ground of 'personal necessity'.

The admitted facts are that the petitioner-tenant was inducted as tenant in the demised shop prior to the respondent-landlord/Rakesh Kumar having become the natural landlord on purchase of the demised shop vide sale deed dated 20.9.1999 from the previous owner-Smt. Shakuntla. The eviction petition by the natural landlord was instituted on 07.1.2000 seeking ejectment of the tenant on the ground of non-payment of rent at the rate of Rs.550/- per month payable w.e.f September 1999.

It transpires that although the relationship of the

landlord and the tenant was denied, however, there was an assessment of provisional rent at the rate of Rs.220/- per month, which was deposited by the tenant. Learned Rent Controller, Gurgaon vide judgment dated 06.11.2006, in view of the admission of the tenant in his cross examination, held that there did exist the relationship of the landlord and the tenant and the rate of rent was Rs.60/- per month inspite of claimed rate of rent of Rs.550/- per month by the landlord. The ground of non-payment of rent was, thus, rejected while adjusting the excess rent paid pursuant to the provisional assessment of rent, however, the proposed necessity of the landlord for opening of the spare part business in the demised shop was held to be bonafide. The said finding was affirmed by the learned Appellate Authority, Gurgaon vide judgment dated 22.8.2007.

This Court while issuing notice of motion vide order dated 07.9.2007 had stayed dispossession of the petitioner-tenant from the demised shop.

During the pendency of the present revision, application bearing CM No.4906-CII of 2015 was instituted by the landlord seeking determination of mesne profits.

At the time of hearing today, none has put in appearance on behalf of the tenant whereas learned counsel for the respondent-landlord submits that the concurrent findings of personal necessity do not suffer from any perversity or material irregularity warranting interference by this Court. He further submits that the eviction petition was filed in the year 2002 and inspite of eviction, his clients have been denied the benefit of the

possession for more than a decade. He, however, has not pressed his application for mesne profits as even the rent is not being paid by the tenant as per the terms and conditions of the stay order. In support, learned counsel has cited a judgment of Hon'ble Supreme Court reported as **Hindustan Petroleum Corporation Ltd Vs. Dilbahar Singh (SC) 2014 (4) RCR (Civil) 162.**

After hearing learned counsel for the respondent-landlord, this Court finds that the present revision is devoid of any merits. The plea of personal necessity of the respondent-landlord, in the light of the evidence adduced has been fully established as *bonafide*. The facts of the present case are fully covered within four corners of the law laid down in the afore cited case as the concurrent findings recorded do not suffer from any perversity or material irregularity. Hence, no ground for interference is made out.

Dismissed.

**August 30, 2017**  
**manoj**

**(JASWANT SINGH)**  
**JUDGE**

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