

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

CR No.3378 of 2017(O&M)

Date of Decision:-26.07.2017

M/s National Textile Corporation Ltd.

.....Petitioner.

Versus

Krishan Kumar Sharma.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. G.C. Shahpuri, Advocate for
Mr. H.N. Mehtani, Advocate for the Petitioner.

Mr. Rajat Malhotra, Advocate for the respondent.

JASWANT SINGH, J. (ORAL)

Petitioners (tenant) is in revision aggrieved against the orders passed by the Authorities below whereby he has been ordered to be evicted from the demised premises on the ground of personal bonafide necessity of son of respondent (landlord) as well as on the ground that the demised premises has become unfit and unsafe for human habitation.

Learned Counsel for the petitioner(tenant) has argued that the learned Authorities below have wrongly held that there exists a necessity of the son because it has been admitted by the respondent(landlord) that the back side vacant land of the demised premises has been given to his brother where he has opened his workshop. He has further argued that it is evident from the record that the premises in question has not been rendered as unfit

and unsafe for human habitation because there is no concrete evidence to prove the said aspect. Hence it is prayed that the orders passed by the Authorities below be set aside by allowing the present revision petition.

On the other hand learned Counsel for the respondent landlord has supported the findings rendered by the Authorities below and has submitted that the evidence has been rightly appreciated and thus, there is no infirmity or illegality in the orders passed.

After hearing learned Counsel for the parties 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.

Perusal of the record reveals that the respondent-landlord has filed the eviction application on the ground that he intends to settle his son by opening a Dhaba/Restaurant and further that the southern side of the demised premises is in possession of Rajinder Kumar (brother of landlord) where he has opened a workshop and the said portion is not conducive for running the Dhaba. Meaning thereby, the respondent has not concealed any fact from the Court and has stated the reasons for getting the shop vacated from the petitioner (tenant). Merely, because there is vacant portion on the back side of the demised premises (also known as Southern Side of the demised premises) does not mean that the respondent (landlord) is bound to convince his son to start his business from there. Tenant is nobody to dictate terms to the landlord. Although it has come in evidence that son of the landlord namely Nimesh Kumar is working in Stan Wheels, this fact also does not dent the case of the respondent (landlord) as it is not expected from his son to stay idle till the premises is vacated. Hence, the Authorities below have rightly ordered eviction on the ground of personal necessity.

As far as the second ground is concerned, there is concrete evidence of building expert namely Ravi Kumar, Engineer who appeared in the witness box as AW-2, who has categorically submitted his detailed report Ex.A-42 to the effect that the premises is in a dilapidated condition. There is no rebuttal to the said evidence which is also corroborated by the photographs clicked by AW-1.

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

(JASWANT SINGH)
JUDGE

July 26, 2017
Vinay

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