

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

C.R. No.3855 of 2017 (O&M)
Date of decision: 29.11.2017

Shankar Lal

....Petitioner

versus

Malkit Kaur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.S. Chahal, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The respondent-landlords through a petition filed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, sought the eviction of the petitioner-tenant on the ground that the petitioner was in arrears of rent; the tenanted premises was in a dilapidated condition; the respondent-landlady required the tenanted premises for her personal use and occupation and that the petitioner had ceased to occupy the tenanted premises for a continuous period of 04 months without any reasonable cause.

After considering the pleas raised by either side and sifting the evidence led by the parties, the Rent Controller, Malout, directed the ejectment of the petitioner from the tenanted premises on the grounds of non-payment of rent; that the tenanted premises had become unfit and unsafe for human habitation being in a dilapidated condition; the petitioner

had ceased to occupy the tenanted premises for a continuous period of 04 months without any reasonable cause and that the respondent-landlady needed the tenanted premises for her own use and occupation.

The petitioner appealed against the above order of ejectment. The Appellate Authority dismissed the petitioner's appeal qua the findings recorded by the Rent Controller ordering the ejectment of the petitioner on the ground that the tenanted premises was unfit and unsafe for human habitation being in a dilapidated condition; that the petitioner had ceased to occupy the tenanted premises for a continuous period of 04 months without any reasonable cause and that the tenanted premises was required by the respondent-landlady for her personal use and occupation. So far as the ejectment of the petitioner ordered by the Rent Controller on the ground that the petitioner being in arrears of rent was concerned, the same was reversed.

Learned counsel for the petitioner has not raised any argument to challenge the ejectment of the petitioner from the tenanted premises on the ground that the tenanted premises is unfit and unsafe for human habitation. Also no challenge is made to the concurrent findings recorded by both the Rent Controller as also the Appellate Authority that the petitioner should be evicted from the tenanted premises for having not occupied the same for a continuous period of at least 04 months without any reasonable cause.

The only argument raised by learned counsel for the petitioner is that both the Rent Controller as also the Appellate Authority fell in error by directing the petitioner's eviction from the tenanted premises on the ground that the respondent-landlady required the tenanted premises for her own use and occupation as according to learned counsel for the petitioner,

the respondent-landlady is 65 years of age and thus too old to do business in the tenanted premises. So far as her two sons are concerned, it was submitted that one of them is settled in Bengaluru and the other in United States of America.

As noticed earlier no arguments have been raised to challenge the concurrent findings recorded by the Rent Controller as also the Appellate Authority ordering the eviction of the petitioner from the tenanted premises on the ground that the tenanted premises was unsafe and unfit for human habitation as also for the reason that the petitioner had ceased to occupy the tenanted premises for a continuous period of 04 months without showing any reasonable cause. Thus, the eviction of the petitioner from the tenanted premises is imminent.

However, since an argument has been raised by learned counsel for the petitioner that the petitioner was not liable to be evicted on the ground that the respondent-landlady did not require the tenanted premises for her personal necessity, the same is being dealt with.

It was the pleaded and proven case of the respondent-landlady that village Bhullerian was about 10-15 Kms from Malout and her brother and other relatives are residing in the said village. It was further her pleaded and proven case that since her sons are settled at far away places, she being a widow and a senior citizen now wanted to shift to the above village where her brother and other family members were also residing. To make both ends meet and also to keep herself busy, she wanted to start business in the demised premises after reconstructing the same. The record reveals that the petitioner who appeared before the Rent Controller as RW-1 admitted in his cross-examination that the respondent-landlady was a resident of the

aforesaid village and her brother and other relatives are also residing in the said village. That being so, the respondent-landlady being the best judge of her need was rightly held entitled to get the petitioner evicted from the tenanted premises on the ground that she needed the tenanted premises for her own use and occupation.

No other point was urged.

Dismissed.

**(DEEPAK SIBAL)
JUDGE**

November 29, 2017

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No