

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

**CR No.4922 of 2017**

**Date of Decision:-28.07.2017**

**Pratap Singh (since deceased) through his Lrs.**

.....Petitioners.

Versus

**Vishavpriya @ Manu & Ors.**

.....Respondents.

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

Present:- Mr. Mani Ram Verma, Advocate for the Petitioners.

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

Legal representatives of Pratap Singh (petitioner-tenant) are in revision, aggrieved against the concurrent findings returned by the authorities below, whereby, their eviction has been ordered on the ground of personal bona fide requirement of respondent no 1-landlord for his own use and occupation vide order dated 01.05.2014 passed by learned Rent Controller, Bhiwani and the same have been affirmed by learned Appellate Authority, Bhiwani vide judgment dated 23.05.2017.

Learned Counsel for the petitioner-tenant has argued that there are 3 shops in the possession of the respondent-landlord and therefore the proposed need of the respondents-landlords is not bona fide. Secondly, it has been argued that the proposed need is for Sanjay son of one of the owners, who is serving for the last 15 years in a private shop and this fact itself creates a doubt about the bona fide necessity of the landlords. Lastly,

he has argued that regarding the 2 shops, the proposed need is for Vishavpriya-respondent no 1, who is working in a private institution, therefore, his need cannot be held to be bona fide. Thus, prayer has been made for setting aside the impugned judgments passed by the authorities below by allowing the present revision petition

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 the same deserves to be dismissed.

A perusal of the paper book would reveal that the case set out by the respondents/landlords is that the demised premises is required by the respondent No. 1 namely Vishavpriya for doing photography business. A perusal of the cross-examination of the tenant namely Pratap Singh as RW 1 would show that he has admitted that brother of respondent No. 1 i.e Mahesh is in possession of other shops. However, respondent No. 1 himself is not in possession of any shop. All the remaining shops are under tenancy of various tenants since long. He has further admitted that although respondent No. 1 is doing work of Videography at weddings and ceremonies, but he does not have any other shop for the said purpose. Meaning thereby, the tenant himself has admitted the fact that respondent No. 1 is working without there being any premises for him to do his business and in such circumstances, it is but natural for him to get a property vacated and start his own business from the said premises. Hence, the first argument raised by learned Counsel for the petitioners-tenants is without any force, and is therefore, rejected.

As far as the second argument raised by learned Counsel for the petitioner is concerned, this court is of the opinion that although, no such

need of Sanjay has been projected in the ejection petition, however, even if it is taken that there is such need, still the fact that Sanjay is working in a private shop for the past 15 years, cannot preclude him from starting his own business from the demised premises after getting the same vacated.

The last argument raised by the learned Counsel regarding respondent No. 1 working in a private institution is concerned, the court is of the opinion that although, there is no such evidence at all, still in case he is working in a private institution, it will not dent the need of respondent No. 1-landlord because it is settled principle of law that a landlord is not expected to sit idle till the time the premises gets vacated and he is well within his right to work till the time he is able to start his work from the demised premises.

In view of the above, finding no infirmity in the concurrent findings of the courts below, the present petition being devoid of any merit is hereby dismissed.

( JASWANT SINGH )  
JUDGE

July 28, 2017  
Vinay

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