

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 7159 of 2016 (O&M)

Date of decision: 15.09.2017

Gurvinder Singh

...Petitioner

Vs.

Ashu Kumar Sethi

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jagram Singh Cooner, Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. There is no life in this petition in all its aspects. The ingredients of Section 13 (3) (a) (ii) of the Haryana Rent Control and Restriction Act, 1973 have not been satisfied in the pleadings presented. In the absence of the petitioner-landlord raising specific plea that he is not occupying any other residential building in the urban area concerned and has not vacated such building after the commencement of the Act in the said urban area, the Appellate Authority has rightly returned the finding that the landlord has sufficient accommodation to do his business other than in the demised premises. Landlord failed to prove bona fide personal need.

2. The landlord candidly admitted in the cross-examination appearing as his own witness PW-1 that he is owner of four shops out of which one shop was rented out to house an ATM of Axis Bank, which was got vacated and the second shop is in the possession of post office for which revision petition was also instituted, but, the petition against the postal department was dismissed as withdrawn.

3. For the reasons known personally to the petitioner-landlord, the Appellate Authority found from the oral evidence an admission by

PW1 that the petitioner and landlady (his mother Kulwant Kaur) had got the present shop vacated from one Narinder Pal (brother of the respondent) and after vacating this shop, it was let out to the present respondent-tenant and these material facts have been suppressed in the petition.

4. The Appellate Authority reasoned that motive for vacation was enhancement of rent and the method adopted is ulterior to bonafide need for own use and occupation to do business in the demised shop in dispute. The Rent Controller has also passed a well-reasoned order as not only lack of proof of personal use but also on the grievance of the landlady that the rent was in shortfall.

5. I have hardly any cogent reason to come to a different conclusion on the same evidence. Accordingly, the petition is dismissed being devoid of merit.

[RAJIV NARAIN RAINA]
JUDGE

15.09.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No