

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R. No. 8455 of 2015 (O & M)

Date of decision: 17.02.2017

Ranjodh Singh

....Petitioner(s)

Versus

Shama Tank

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. M.S. Sachdev, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The revision petition is directed against the concurrent findings of the Courts below whereby, eviction has been ordered on the ground of personal necessity of the landlady and her husband who had desired and sought eviction on the ground that they wanted to run a grocery store from the shop in question.

It was the case of the landlady that the husband had also retired from a bank and he was drawing a meager pension and resultantly, to supplement their income, they wanted the premises in question. The fact remains that the landlady owns two shops and one was on rent with her brother and, therefore, eviction petition was filed. Keeping in view the above, the Rent Controller, Jalandhar directed eviction on 26.11.2014, which has been upheld by the Appellate Authority on 21.10.2015.

Keeping in view the settled principle that the requirement is to be presumed to be bona fide and genuine and the tenant is not to dictate as to how the landlord is to adjust himself, the orders are justified. During the

course of arguments, it has transpired that the possession has also now been taken by the landlady. The Appellate Authority, keeping in mind the evidence on record, noticed that the intention was to jointly run the proposed grocery store in the demised shop which takes away the argument which has been raised by counsel for the petitioner that the husband never stepped into the witness box.

Reliance has been placed upon the judgment of the Apex Court in ***Ajit Singh and another vs. Jit Ram and another, 2008 (9) SCC 699*** for the said purpose. Once the wife had herself stepped into the witness box to depose about her need, the findings as such recorded by the Courts below do not warrant interference. The judgment of the Apex Court thus would not be applicable to the facts and circumstances of the case since the need was as such jointly and the landlady herself had been examined. The factum of dependency of the husband has been sought to be agitated by counsel for the petitioner. As noticed, the husband is a pensioner from a bank and, therefore, in now-a-days' time due to high rates of inflation, the said argument regarding lack of dependency, as such, would warrant no introspection. The Apex Court in ***Joginder Pal Vs. Naval Kishore Behal 2002 (5) SCC 397***, has held that a narrow introspection cannot be given to the *bona fide* requirement of the landlord.

Accordingly, the present revision petition is dismissed in limine.

17.02.2017
shivani/sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No