

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8502 of 2017 (O&M)

Date of Decision: 05.12.2017

Shri Nagar Mal

... Petitioner

Versus

Mehar Chand Mittal

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Kumar Jain, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. Heard learned counsel for the petitioner at considerable length and from his contentions find no scope for interference in this case. The bona fide requirement of the respondent-landlord for recovery of possession of the demised shop for use of his son who runs a pharmacy in the shop belonging to the father located just behind the demised premises. He wishes to expand his business feeling short of space. The son holds the degree of B. Pharmacy. The demised premises face the main road. The landlord pleaded necessity for himself and his son that the shop at the back owned by the family was too small for any further expansion of business. Both the Rent Controller in his order dated August 04, 2015 and the Appellate Authority in his order dated September 04, 2017 have come to the conclusion that the evidence properly supports finding of bona fide requirement and personal need of the landlord for his son to expand business. The ingredients of Section 13 (3) (a) (i) of the Haryana Urban (Control of Rent & Eviction) Act, 1973 have been pleaded and proved.

2. I have no reason to interfere with the concurrent findings of the authorities to substitute opinion one over the other on the same evidence.

3. Accordingly, the petition is dismissed.

4. The Rent Controller in his order granted two months' time from the date of the order to vacate the premises. By making reasonable accommodation in the time period granted by the Rent Controller, while dismissing the petition, further time is granted up to March 31, 2018 to the petitioner-tenant to vacate the premises and hand over its vacant possession to the landlord provided he gives an undertaking by way of an affidavit before the Rent Controller/Executing Court in Yamuna Nagar at Jagadhri within 15 days from today that he would comply with this order. The tenant would clear the arrears of mesne profits/rent, if any, and continue to pay the same and clear the outstanding dues before the date fixed for parting with the possession of the premises.

(RAJIV NARAIN RAINA)
JUDGE

05.12.2017
manju

Whether speaking/reasoned *Yes*

Whether reportable *No*