

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

CR No.3492 of 2008 (O&M)

Date of Decision:06.07.2018

Jagjit Singh

...Petitioner

Versus

Gurcharan Kaur

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.M.L.Saggar, Senior Advocate with
Ms.Armaan Saggar, Advocate for the petitioner.
Mr.Kanwaljit Singh, Sr. Advocate with
Mr.Abhishek Bajaj, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioner is in the revision petition against the order of eviction passed by the learned trial court and affirmed by the appellate authority. Eviction has been challenged on the ground of personal necessity of the son of landlady.

Learned senior counsel for the petitioner-tenant has submitted that the respondent-landlady has not disclosed another premises in occupation of her son and therefore the petition was liable to be dismissed.

It will be noted that the landlady while filing the petition had submitted that her son is a diploma holder in computer and she requires premises for running the business relating to the computers. It was further mentioned that at present she is owner of another shop, ground floor whereof is with Beant Singh, another tenant. It was further pleaded that at present the son is doing his business related to the computers from a small place in the shop owned by his father.

Learned senior counsel has admitted that the alleged premises, which according to him has not been disclosed by the landlady, is not owned by her. Both the courts after examining the evidence have recorded that the aforesaid premises is only a godown where husband of the petitioner and her son store their goods. Such premises is located in a byelane, which is 15 feet wide, whereas the shop in question is located on a 100 feet wide road.

Learned senior counsel for the petitioner, while referring to the statement of the landlady and her son, has tried to convince this Court that it is the son, who is in possession of the premises, i.e. godown.

On careful reading of the aforesaid evidence, it is apparent that the father and the son are using the premises for storing their articles and sometime son also sits in that premises. However, such premises cannot be deemed to be sufficient to run a commercial enterprise. For running a commercial enterprise, proper display in the main market is of utmost necessity. A landlord who is having a shop in the main market i.e. on Gill Road, which is 100 feet wide., is making an attempt to settle her son in the aforesaid shop. It is for this reason that eviction has been sought.

As per the provisions of the Rent Act, landlord is required to disclose the premises in his or her occupation and he or she is not occupying any other building in the urban area concerned. In the present case, landlady has disclosed those facts. She has even gone on to disclose the premises which was being used by the son for whom eviction has been sought.

The tenant has no right to assert that the son of the landlady should continue to run his business from the small premises or by using the godown which is situated in a bye-lane.

No other argument was raised.

In view of the aforesaid discussion, the rent petition is dismissed with costs of Rs.50,000/-. Pending application(s), if any, shall also stand disposed of.

06.07.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No