

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

CR No.3397 of 2009 (O&M)
Date of decision : 30.07.2018

Rakesh Kumar Verma and another

...Petitioners

Versus

Smt. Shakuntla Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Jolly, Advocate for the petitioners.

Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kulwant Singh, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The tenant-petitioners are in the revision petition against the order passed by the learned Appellate Authority ordering the eviction on the ground of personal necessity of daughter of the landlady who is practicing as an Advocate and requires the premises for expansion of her office.

It is not in dispute that the daughter is already running a office in the adjoining shop which is 8' x 14'-3". The shop in question is adjoining to the aforesaid office of the daughter.

Learned counsel for the petitioner while referring to the provisions of the Haryana Urban (Control of Rent and Eviction) Act, 1973 has pointed out that under Section 13(3)(a)(ii), the premises can be got evicted if son intends to start practice as a Lawyer, qualified Architect or

Chartered Accountant or as registered Practitioner within the meaning of expression used in the Punjab Medical Registration Act, 1916.

He submitted that there is no provision for eviction for expansion of office. He further submitted that the daughter had sold a house and, therefore, the requirement is not bona fide. He further submitted that the daughter is not dependent on her mother as per her own statement.

On the other hand, learned counsel for the respondents has pointed out that this case would fall in Section 13(3)(a)(i) as requirement for his own occupation has been interpreted to mean that such requirement includes the requirement of the family members also. He further submitted that house, if any, sold would not improve the case of the tenant because no commercial building which was in the occupation of landlady or her daughter has been sold. He further submitted that statement of the daughter who has appeared as PW2 has to be read in context it is made. A child may claim to be independent, however, such child remains member of the family.

In the present case, daughter is divorcee living with respondent-landlady. A mother is entitled to look after requirement of her daughter who has got divorce and has started living with the mother. The words used in Section 13(3)(a)(i) are to be given full meaning. Own occupation as used in the statute would include requirement of the family members. Therefore, the requirement for a daughter would also be included in the meaning of the words, "he requires it for his own occupation." It has come on record that daughter is not occupying another building which is suitable for her office. No evidence has come on record that she has vacated any suitable building after the commencement of 1949 Act. Still further, it has come in the

pleadings that the tenant has already purchased a shop in the same row.

In view thereof, there is no ground to interfere.

Revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

30.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No