

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

**Civil Revision No.2687 of 2018 (O&M)
Date of Decision: April 27, 2018.**

Super Light House

.....PETITIONER(s).

VERSUS

Sanjay Kumar

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Dinesh Maurya, Advocate
for the petitioner (s).

Ms. Deepa Jain, Advocate for
Mr. Yash Devi Kaushik, Advocate
for caveator-respondent.

SURINDER GUPTA, J.

This is revision petition against the concurrent orders/judgment of the Rent Controller and Appellate Authority under the Rent Act, Faridabad, whereby the petition filed by petitioner under Section 13 of Haryana Urban (Control of Rent and Eviction), Act, 1973 seeking ejectment of the revision petitioner from the demised premises on the ground of personal bona fide necessity was allowed.

As per case of the respondent-landlord, he owns two shops of same size adjoining each other. One shop is on rent with the revision petitioner and in other shop, respondent-landlord is carrying on his own flourishing business. He required the demised premises for expanding his business.

Learned Rent Controller as well as Appellate Authority on the basis of evidence on record found the need of the respondent for the shop in question as bona fide.

Learned counsel for the appellant has argued that mere statement of the landlord that he wants to expand his business cannot be believed in the absence of his bank account, business statements submitted before the sales tax and other authorities to show quantum of his business, disclosing his financial status and the plan in which he wants to expand his business. The respondent has not placed on record any such document and learned Rent Controller as well as Appellate Authority have committed error in the absence of such documents while reaching the conclusion that the need of respondent-landlord is genuine.

Learned Appellate Authority has observed that the revision petitioner in his written statement admitted that respondent-landlord is running his own business in the adjoining shop and his material is kept outside the shop. The submissions raised by learned counsel for the revision petitioner were also raised before the Appellate Authority but were rightly rejected as the respondent-landlord is not required to explain to the tenant or to produce copy of record from the sales tax authorities, bank accounts, income tax returns or his plans and financial status for expansion of his business. It is not disputed that the need of the landlord is to be seen from his point of view. The respondent is carrying on business in the adjoining shop and the shop in possession of the revision petitioner is most suitable for him to expand his business. The Rent Controller and the Appellate Authority have committed no error of law while approving the

need of the respondent-landlord as bona fide.

This revision petition has no merits.

Dismissed.

April 27, 2018.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No