

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

CR-3274-2018 (O&M)

Date of Decision:-16.5.2018

Mahesh Kumar

... Petitioner

Versus

Seth Kirorimal Dharmarth Society, Palwal

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J.

By way of filing this revision petition, the petitioner/tenant assails judgment dated 14.2.2018 passed by learned Appellate Authority, Palwal, wherein an order of ejectment passed by the learned Rent Controller, Palwal, has been affirmed.

The respondent/landlord sought ejectment of petitioner on ground of non-payment of rent as well as on ground of personal necessity. While the ground of non-payment of rent was not accepted, the tenant was ordered to be ejected from the premises in question by the learned Rent Controller, Palwal on ground of personal necessity, which has been affirmed by the learned Appellate Authority, Palwal as well.

The learned counsel for the petitioner, while assailing the findings as affirmed by the Appellate Authority regarding personal necessity has submitted that the respondent-society owns sufficient land at the back of the shop in question, wherein a library and even a dispensary can very conveniently be set up and that the present ejectment petition has been

filed simply to get the premises vacated so as to let out the same at a higher rent.

I have considered the aforesaid submissions. The respondent-landlord has led oral as well as documentary evidence to establish its case regarding personal necessity. A resolution proved by PW-3 Pawan Aggarwal, Secretary of the Society regarding the aims and objectives of the society has also been brought on record, which shows that the aim of the society is to establish and set up library, hospital and dispensary. It certainly cannot be said that the society has merely concocted a ground to get the premises vacated, inasmuch as the tenant, during his cross-examination, has himself admitted that he had heard that the society wants to open a charitable dispensary and public library, which would indicate that the said ground of personal necessity has not been cooked up over night. Further, the mere fact that the respondent-society owns large piece of the land in the adjacent area can not be taken into account to defeat the right of the society to claim ejectment as the society may not wish to raise another building for setting up a library or a dispensary when it already has constructed premises which is presently let out to the petitioner.

Upon perusal of the judgment of the Rent Controller, Palwal as well as the Appellate Authority, Palwal, I do not find any infirmity, so as to warrant any interference in the same. There is no merit in the revision petition and the same is hereby dismissed.

16.5.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No