

In the High Court of Punjab and Haryana at Chandigarh

CR No. 4172 of 2018(O&M)

Date of Decision:12.7.2018

M/s Pearl Sales Corporation and another

---Petitioners

vs.

Ashok Kumar Gupta

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr.Shiv Kumar Sharma, Advocate
for the petitioners

Rekha Mittal, J.

The present petition directs challenge against concurrent findings of fact recorded by the courts whereby application for eviction filed by the respondent on the ground of personal necessity has been allowed.

I have heard counsel for the petitioners, perused the paper book particularly the judgments passed by the courts.

There is no dispute between the parties that the respondent is a co-owner/landlord of SCO No. 39, Sector-7C, Chandigarh and the other co-owners were added as a party, on the array of respondents. The petitioner is a tenant in the aforesaid SCO in area measuring 12x18 Sq. feet. The respondent-landlord sought eviction on the ground of arrears of rent and personal necessity.

At present, we are concerned with plea of the respondent qua

requirement of the premises in question. It is averred that the demised premises is required for his own use and occupation and for his son as the respondent wants to open a sale counter of the products which are manufactured in Mohali under the name and style of Diplast.

The petitioner filed reply and raised a plea that desire of the respondent to open a sale counter of the products which are manufactured in Mohali under the name and style of Diplast and displaying its products manufactured at Mohali is vague. As per provisions of the Capital of Punjab (Development & Regulation) Act, 1952, rules framed thereunder and building bye-laws, no sales outlet as well as display can be carried out at the backside of the showroom. The respondent is having a big factory in Mohali in the name of Diplast Pipes which is known in India and have ten dealers in Chandigarh and it is not possible to display his items in the demised premises which is just 12x18 sq.feet, hence, need of the respondent is not bonafide and genuine. The respondent only wants to increase the rent at exorbitant rate.

The sole submission made by counsel for the petitioner is that as Diplast Plastics Limited is a private limited company and the respondent has admitted in his cross examination that the demised premises is required by Diplast Plastics Limited for doing its business of displaying and selling the products, therefore, the requirement projected by the respondent is not the personal requirement of the respondent but the same is the requirement of a company, therefore, judgments passed by the courts are liable to be set aside on this score alone.

I have heard counsel for the petitioners, perused the paper book

and the documents supplied by their counsel at the time of hearing.

The respondent has raised a specific plea that he wants to open a sales counter of the products manufactured in Mohali under the name and style of Diplast. He wants to display all his products manufactured at Mohali in the demised premises. The plea of the petitioners in the written statement particularly para 5 thereof, has already been reproduced hereinbefore. The petitioner has not denied that factory in Mohali under the name and style of Diplast Plastics Limited belongs to the respondent. No such fact has been brought on record that the respondent is only the director of the company or he is not the share holder. Ashok Gupta in his cross examination has candidly stated that no public issue ever was issued by the concerned company. Once Ashok Gupta is himself a share holder and owner of the business concern producing goods under the name and style of Diplast Plastics Limited, it is difficult to accept contention of the petitioner that need projected by the respondent is not that of the respondent. In this view of the matter, contention raised by counsel for the petitioner is not meritorious and accordingly rejected.

No other point has been raised.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

12.7.2018
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No