

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4315 of 2018 (O&M)
Date of Order:10.07.2018

Siri Ram (since deceased) through LRs

..Petitioners

Versus

Raj Kishore Bansal and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C.Shahpuri, Advocate,
for the petitioner(s)

ANIL KSHETARPAL, J.

Tenant-petitioner through his legal heirs is in the revision petition against the order passed by the learned Rent Controller evicting the tenant on the ground of personal necessity, which has been affirmed in appeal by the appellate authority.

Learned counsel for the petitioner has submitted that the learned appellate authority even after recording a finding that the business which the respondents-landlord proposes to open does not exist, has still ordered eviction of the tenant. Learned counsel has further submitted that the respondents-landlord has been repeatedly indulging in litigation and therefore, the need projected is not bonafide.

Landlord-respondent no.1 had retired as a Manager from the bank. He had filed a petition claiming that he wants to open an office in the premises in dispute for giving consultancy relating to banking. In paragraph 14 of the judgment, the learned appellate authority has noticed this fact and

found that whosoever transacts with the banks, need proper consultancy and, therefore, the case set up by the landlord-respondent no.1 cannot be doubted. Paragraph 14 of the judgment passed by the learned appellate authority is extracted as under:-

“14. Now, it is to be seen whether the need of petitioner was bonafide or not'. Petitioner retired as Manager from the Bank and is not doing anything and as per petitioner, he wants to do work of banking consultancy. In cross-examination, petitioner denied fact that there is no work of bank consultancy in Yamuna Nagar Jagadhri. Suggestion that it is not a profession, was also denied. No evidence of existence of business of such consultancy, was produced. But in view of the fact that now-a-days, every person transact with banks and for proper transaction, consultancy is required. Further, it is for the landlord to think about the business and not for the tenant to dispute the said thinking. Therefore, even if, no banking consultant is working in the area of Yamuna Nagar, the petitioner can venture into said business. Further, it is well settled that the landlord is the best judge of his requirement and tenant cannot dictate his terms. Fact that he filed petition after one year of retirement is no ground to hold that the need is not bonafide”.

On careful reading of the aforesaid finding, it is apparent that the appellate authority has not recorded any finding that such business does

not exist as is submitted by learned counsel for the petitioner.

Next submission of learned counsel is also just to be noticed and rejected as the petitioner-tenant had neither taken such plea in its written statement nor any issue in this regard was framed. Even learned counsel for the petitioner also could not point out that such contention was ever raised before the first appellate court.

In view of the aforesaid, there is no ground to interfere with the order of eviction passed by the learned Rent Controller, affirmed in appeal.

The revision petition is dismissed.

July 10, 2018
nt

(ANIL KSHETARPAL)
JUDGE

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