

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4806 of 2016 (O&M)
Date of Order: 25.09.2018

**Kewal Krishan (deceased) through his LRs
and another.**

..Petitioners

Versus

Ravinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.K.Vadehra, Advocate,
for the petitioners.

Mr. Sharwan Sehgal, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Petitioners-tenants are in the revision petition against the concurrent orders passed by the learned Rent Controller, affirmed by the learned Appellate Authority, ordering their eviction from part of a residential house owned by the respondent-landlord.

The petition was filed on the ground of bonafide necessity of the landlord apart from on account of non-payment of arrears of rent which is not pressed before this court.

Both the courts after appreciating the evidence have found that the bonafide necessity of the respondent-landlord is established as he is living in the house of the brother and he wants to shift and live along with his family members independently.

Learned counsel for the petitioners has drawn attention of the court to the statement of the landlord, which has been extracted in the

grounds of revision, wherein he admits that a petition was filed against Raj Rani on the ground of personal necessity and he has got possession of the aforesaid room. He has further admitted that Mal Chand, another tenant, has also vacated the premises. From these two admissions, learned counsel for the petitioners submits that there is a concealment of fact by the landlord and therefore, his petition should have been dismissed by the court. Similar reference has also been made to the fact that Dalip Chand who was also residing in the property in dispute has also left.

On the other hand, learned counsel for the respondent-landlord has pointed out that the respondent-landlord is residing with his family in the house of the brother and he wants to shift to the house which is owned by him. He submitted that Raj Rani had only vacated one room which is part of the property in dispute i.e the house in question, whereas Mal Chand, the tenant, was on the first floor who has vacated the premises. Similar is the position with regard to Dalip Singh because that is also part of the house in question.

As per the provisions of the East Punjab Rent Restrict Act, landlord is required to disclose three facts:-

- (1) he requires the premises for his own occupation;
- (2) he is not occupying another building in the urban area concerned; and
- (3) he has not vacated any such building without sufficient cause after the commencement of the act in the said urban area.

All these facts have been disclosed. It is not in dispute that the house is one. There were different tenants in different portion of the house.

If the landlord wants to reside in the aforesaid house and does not want interference of any tenant, the bonafide requirement of the landlord cannot be doubted. Hence, in the considered opinion of this court, there is no concealment of fact which should result in dismissal of the petition.

Second argument of learned counsel for the petitioners is also connected with the first one. He has submitted that during the pendency of the petition, respondent-landlord has got possession of certain portion of the property and therefore he can suitably reside therein.

In the considered opinion of this court, this aspect has to be considered from the prism of the landlord. Landlord wishes to start living with his own family, namely, wife and two children independently, then his requirement cannot be seen with suspicion.

On careful examination of the evidence, referred to by learned counsel for the tenant, it is apparent that against Raj Rani, a petition was filed, which was allowed and Mal Chand, tenant, and Dalip Singh have themselves vacated some part of the property i.e. Residential hosue.

Keeping in view the fact that the landlord has pleaded that he wants to shift along with his family to his own residential house. Hence, the bonafide requirement, which has been upheld by the courts below, need no interference.

The revision petition is dismissed.

September 25, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No