

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4444 of 2017 (O&M)
Date of Order: 05.10.2018

Varun Kukreja

..Petitioner

Versus

Ramanjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Jain, Sr. Advocate, with
Mr. Chetan Salathia, Advocate,
for the petitioner.

Mr. Sanjay Kaushal, Sr. Advocate, with
Mr. A.P.Setia, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Tenant-petition is in the revision petition against the order of eviction passed by the learned Rent Controller, affirmed by the learned Appellate Authority on the ground that the landlord requires the premises for his bonafide requirement.

Landlord filed petition with the assertion that he retired from services in the year 2000 and started his own confectionary business but he had to close down the aforesaid business in the year 2006 due to domestic problems and financial crises. He further disclosed that he had filed a petition for eviction of the tenant in the year 2011, which was withdrawn with permission to file fresh one on 18.12.2013. Landlord has pleaded that now he wishes to run his own business along with son Navdeep, who has completed his B.Tech.

The petition was contested on the ground that it is only a ploy

to pressurize the tenant to increase the rent.

Both the courts after appreciating the evidence have recorded concurrent findings that the landlord has proved his bonafide requirement.

This court has heard learned senior counsels appearing for both the sides and with their able assistance gone through the record and the judgments passed by the courts below.

Learned senior counsel appearing for the petitioner has pointed out that in the previous petition which was filed in the year 2011, landlord had not pleaded his personal necessity. He submitted that the aforesaid petition was withdrawn on 18.12.2013. Hence, he submits that the bonafide requirement as pleaded by the landlord is not genuine. He further submitted that Navdeep, the son, has gone to Canada for study and therefore, the requirement is not bonafide. He further submitted that the landlord himself has admitted that he is in the business of 'To-let' services i.e. the property broker, therefore, the requirement is not genuine.

On the other hand, learned senior counsel appearing for the landlord has pointed out that in the year 2010, landlord married his daughter and son went for study in Canada. Now the son has completed his study and wishes to come back. He further submitted that the personal necessity can arise at any time. In the year 2011, landlord was not in a financially sound position to start his business. However, in the year 2013 he requires the premises for running his business. He submitted that landlord is the best judge of his requirement and the tenant has no right to substitute his opinion on the landlord.

After analyzing the arguments of learned senior counsels for the parties, this court is unable to persuade itself with arguments of learned

senior counsel for the petitioner.

As regards Navdeep having shifted to Canada, the evidence of landlord is specific that Navdeep has gone to Canada for study and he wishes to come back. It is not in dispute that the personal requirement of the landlord and his son has been pleaded.

As regards previous petition, which was filed in the year 2011, it may be noticed that the aforesaid petition was withdrawn with permission to file fresh one and immediately after withdrawing, the present petition was filed by adding the ground of personal necessity.

Next argument of learned senior counsel for the petitioner that Booth No.42 which was in the name of wife of the landlord has been sold on 20.09.2010, is also to be noted and rejected because the present petition has been filed in December, 2013. It is the case of the landlord himself that in the year 2006, he had to close down business due to some domestic as well as financial problem. If the landlord or the family of the landlord had sold the property to over come the financial difficulty, the bonafide requirement of the landlord cannot be doubted on this ground.

As regards the argument of learned counsel for the petitioner that is only a ploy to evict the tenant, it may be noticed that the landlord himself when appeared in evidence has stated that he is now in the business of providing 'To-let' services but wishes to run his business from the booth in question. Hence, the argument of learned counsel that it is only a ploy and not the bonafide requirement, cannot be accepted.

In view thereof, this court does not find any good ground to interfere.

The revision petition is dismissed.

At this stage, learned senior counsel for the petitioner has offered that the tenant may take from him alternative booth i.e. Booth No.63 in the same market. This offer has been put to the landlord, who is present in Court, who has stated that Booth No.63 is behind a large tree and is not suitable for his business.

October 05, 2018
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(ANIL KSHETARPAL)
JUDGE

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