

103

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5460 of 2018 (O&M)

Date of Decision: 04.12.2018

M/s Dinesh Enterprises and another

..... Petitioners

Versus

Gurudwara Sri Guru Singh Sabha Abrol Nagar Pathankot

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vishal Munjal, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the judgment passed by the Appellate Authority, Pathankot, on 20.11.2017, whereby the original judgment of the Rent Controller, Pathankot, dated 20.01.2017, was reversed.

2. The Rent Controller had dismissed the respondent's application for eviction of the petitioner/tenant from the demised premises after holding that the landlord had been unable to make out a case of *bona fide* necessity of the said premises for his own use and occupation.

3. Submission of Ld. Counsel for the petitioner is that the respondent/landlord in his original eviction application had willfully concealed about the existence of another vacant shop held by it, which was lying next to the demised premises.

4. The above contention, however, is not convincing enough, since perusal of the own Reply/written statement filed by the petitioner, before the Rent Controller (which is not a part of the Paper Book, but was shown to the Court on the Court's query), goes to reveal that the petitioner had himself not made out any case to the effect that the respondent/landlord had willfully/intentionally concealed about the existence of such vacant shop.

5. Consequently, the Court finds no irregularity or infirmity in the impugned order of the Appellate Authority, since there can be no dispute over the legal position that the landlord is the best judge of his requirement. He may be penalized for willfully concealment of any material fact regarding holding of any other accommodation by him, but when there is no plea forthcoming regarding any such concealment at the initial stage, the Court is not obligated to hold it against the landlord.

6. For the above reasons, the present revisional petition is dismissed, however, the petitioner is granted time to vacate the demised premises peacefully, latest by 31.03.2019, subject to payment of all the outstanding dues against him.

7. In the meantime, any execution proceedings pending against him shall remain stayed.

8. This order shall stand automatically vacated on 31.03.2019.

04.12.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No