

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.6786 of 2018(O&M)

Date of decision: 21.11.2018

M/s Godrej & Boyce Mfg. Co. Ltd.

.....Petitioner

VERSUS

Ashok Garg and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikram Punia, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against concurrent findings of fact whereby the application for eviction under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 on the ground of bona fide personal necessity of Robin Garg son of respondent No.2- Vinod Garg, one of the landlords of the demised premises has been allowed by the Rent Controller, Faridabad vide order dated 31.10.2017 that has been affirmed in appeal by the Appellate Authority, Faridabad.

The plea of the respondents/eviction petitioners is that Robin Garg son of Vinod Garg has passed Engineering in 2008 and he is unemployed. He wants to set up his own unit of Lathe machine and C.N.C in the demised premises. The respondents/petitioners are doing their work in adjoining plot No.15 under the name and style of M/s Super Steel Forging. They would provide unfinished material to Robin Garg for

converting it in finished goods. Now-a-days, the respondents are getting this work of finishing done from outside. The respondents want to establish a machinery unit in the demised premises which would suffice the purpose of providing a permanent settlement of Robin Garg as well as extension of their existing business.

The sole submission made by counsel for the petitioner is that as the respondents in sub-para (2) of para 5 of the application have themselves admitted that they are doing work in adjoining plot No.15, they can accommodate Robin Garg in the said premises even if Robin Garg wants to set up his own unit of Lathe machine and C.N.C, therefore, need projected by the respondents is not genuine and bona fide and as such findings recorded by the Courts cannot be allowed to sustain.

I have heard counsel for the petitioner, perused the paper-book particularly the orders impugned and various annexures appended with the petition.

Be that as it may, it is settled and undisputed position in law that landlord is the best judge of his need and the tenant cannot dictate terms to the landlord as to how the tenancy premises is to be used by him. This apart, counsel for the petitioner has failed to point out any pleadings or materials on record that accommodation available in plot No.15 used for the business of M/s Super Steel Forging is enough to accommodate Sh. Robin Garg as well. In the given facts and circumstances, I do not find an illegality or material irregularity in the concurrent findings recorded by the Courts warranting intervention in exercise of limited revisional jurisdiction.

No other point has been raised.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

NOVEMBER 21, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no