

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

CR No.6959 of 2018 (O&M)

Date of Decision: November 14, 2018

Manmohan Singh Petitioner

Versus

Amarjit Singh Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Karan Vir Nanda, Advocate for the Petitioner.

Mr. Harmanjit Singh Jugait, Advocate for the Respondent.

SUDIP AHLUWALIA, J.

This Revisional Application is directed against the judgment passed by Ld. Rent Controller dated 22.11.2016, whereby the Eviction Petition No.58T of 2013 filed by the Respondent/landlord was allowed, and the Order of Appellate Authority dated 14.8.2018, vide which the Judgment of Rent Controller had been upheld.

2. The decisions have been assailed by the Petitioner basically on two grounds, which are as follows -

- i) That both the Ld. Courts below have erroneously held the existence *of relationship of Landlord and Tenant between the parties, and that,*
- ii) *In any event, the Respondent/Landlord is not entitled to seek eviction of the Petitioner/Tenant on the ground of his personal necessity as claimed.*

3. This Court has gone through both the impugned Judgments and the other material available on record and is of the opinion that there is no merit

in either of the two aforesaid contentions.

4. This is so because while disputing the Landlord-Tenant relationship, the Petitioner from his side has essentially asserted that he 'never recognized the Respondent Amarjit Singh as his Landlord', and that the alleged Sale Deed in his favour purportedly executed by the previous owner/landlady Smt. Charanjit Kaur on 30.5.2008 is a false and fictitious document. It transpires that in his original written Reply filed before the Rent Controller, the Petitioner had gone to the extent of taking a plea that he is “*taking necessary legal action to challenge the Sale Deed dated 30.5.2008 before the competent Court of law, which was not in the knowledge of the Respondent (i.e. the Petitioner/Tenant) till now (i.e. as 9.4.2014)*”, but there is nothing on record to show that from his side the Petitioner had initiated any kind of legal proceedings to assail the impugned Sale Deed, even though it was formally led into evidence from the side of the Respondent and also exhibited. On the contrary, the Petitioner even failed to place on record any receipt or document to support his contention that he had been paying rent to even his admitted landlord till 31.12.2011 as claimed by him, and the provisional order for payment of arrears of rent which was passed by the Ld. Rent Controller in favour of the Respondent/Landlord as far back as on 21.10.2013 was never assailed or challenged by the Petitioner at any stage. His contention about the non-existence of any landlord/tenant relationship between himself and the Respondent/landlord is therefore, clearly unfounded.

5. Again, while seeking to contest the landlord's plea of personal

necessity of the demised premises, it transpires that there was no averment from the Petitioner's side regarding concealment of any vacant premises held by the Landlord, which would have been suitable for occupation of his son's business in the demised shop. On the other hand, in the relevant Paras 5 to 7 of the Written Reply, which were in relation to landlord's averment regarding necessity of the demised shop to settle his son, who wanted to start his own business of Automobile Spare Parts, there was no mention of any alternative vacant accommodation available with the landlord nor any averment to the effect that such availability has been concealed in the Eviction Petition. Rather, in these Paragraphs again, the Petitioner had repeatedly opposed the Respondent's claim by re-asserting that the Respondent was not his Landlord. In such circumstances, this Court finds no impropriety in the decisions of both the Ld. Courts below holding the Respondent/Landlord to be entitled to get vacant possession of the demised shop for personal necessity to establish own automobile parts business of his son, who had also deposed as a witness before the Ld. Rent Controller, as it is an undisputed position of law that a landlord is the best Judge of his own bonafide need and requirements, and it is not for a tenant to dictate how the landlord shall organize his life affairs.

6. This Court therefore, finds no merit in the Revision Petition, which is accordingly dismissed. However, the Petitioner is granted time of three months from today to vacate and deliver peaceful possession of the demised premises to the Respondent/Landlord, and for which purpose, the execution proceedings against him, if any, shall remain stayed. This order shall

automatically stand vacated on 13.2.2019.

(SUDIP AHLUWALIA)
JUDGE

November 14, 2018
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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |