

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

CR No.711 of 2018 (O&M)

Date of Decision: February 19, 2018

Daljit Singh

...Petitioner

Versus

Tarlochan Singh

...Respondent

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Gagandeep Grewal, Advocate for
the petitioner.

HARINDER SINGH SIDHU, J.

This revision petition has been preferred by the petitioner-tenant against the orders of eviction passed by the courts below.

The respondent -landlord had filed an eviction petition on the ground of 'bonafide necessity'. It was claimed that the petitioner was inducted as a tenant in the demised shop for a monthly rent of Rs.3,000/- per month about 27-28 years ago. The tenant was earlier working in the name and style of M/s Chauhan Bhatti Paint, but at present, he was working in the name and style of M/s Amrit Jewellers. It was claimed that the landlord had been doing the business of building material for the last many years. Later, his son became proprietor of M/s Lamba Building Material Store and he had been assisting his son. The space of the building occupied by the tenant was needed for making a new shop and a godown for storing the building material. Another tenant Jaswant Singh had already been ordered to be

evicted. The present eviction petition was filed as whole of the building was

required for storing building material. The necessary averments regarding not owning or possessing any other property, which could be used for the purpose intended and that the landlord had not vacated any premises within the Municipal limits of Ludhiana, which could be used for that purpose were also made.

Though, the tenant claimed that the landlord had in his possession other properties, which could be appropriately used for starting the business, however, he led no evidence to that effect. The Ld. Rent Controller held that the admission of the landlord regarding one room being available on the first floor of the tenanted premises could not defeat his right as that room formed part of the tenanted premises itself and would not constitute a separate property. It was held that the landlord had been able to establish that the demised premises was located exactly opposite to the existing building material store at Baba Dhan Singh Chowk. Holding that the landlord is the best judge of his requirements, the learned Rent Controller decided the issue in favour of the landlord. Moreover, the petitioner tenant in his cross-examination had admitted that his wife and son owned one shop each in the vicinity of the tenanted premises. His son was also working as a jeweller under the name and style of 'Amrit Jewellers'. It was concluded that the tenant had sufficient accommodation available with him and it was not open to him to question the bonafide of the landlord.

The learned Appellate Court specifically went into the question of the assertion of tenant that the landlord had other properties in the town. It was noticed that during his cross-examination, the landlord admitted to have been owning certain properties, but none of these was vacant or capable of

being used as a place from where he could run his Building Material Store. In his cross-examination the landlord admitted to having three other shops No.640 and 641 opposite to CMC Hospital, but there was a juice bar and a chicken corner run there. There was a vacant shop on the first floor of the shop, where his son was running his M/s Lamba Building Store, but that shop was in a bad condition and was on the first floor and could not be put to use for the purpose of a building material store as intended by the landlord.

There appears to be no infirmity in the findings recorded by the Rent Controller and the Appellate Authority. Ld. Counsel for the petitioner has not been able to refer to any evidence or material which would demonstrate that the findings are perverse or otherwise unsustainable.

Accordingly, there is no merit in the revision petition and the same is dismissed.

February 19, 2018

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No