111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8210 of 2018 (O&M)
Date of Decision: 10.12.2018

Hira Devi and others ..... Petitioners

versus

Amarjit Singh Chahal and another ..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Tejinderbir Singh, Advocate
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

Notice of motion.

Mr. Kanwal Goyal, Advocate has put in appearance on behalf of respondent No.1 and filed his *vakalatnama* today in the Court; Be kept on record.

Heard both sides

Perused impugned judgments of the Rent Controller as well as the Appellate Authority.

The eviction petition of the respondent-landlord was allowed on two grounds, namely, dilapidated condition of the demised premises in which the petitioners' claim to be residing with their family members and are also engaged in the business of ironing clothes; and, bona fide personal requirement of the premises by the respondent, who claims to be an Advocate of the District Courts at Patiala. According to him, he requires the demised premises for establishing his office, obviously outside his residential house which otherwise is adjacent to the demised premises.

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It is contended on behalf of the petitioners that one vacant Shop measuring 44.5 Sq. Yards is already available with the respondent adjacent to his residential house, and, therefore, he cannot claim that the demised shop which is sandwiched in between the said vacant shop as well as another vacant shop stated to have been purchased by the petitioner's wife, is actually required by him for said professional purposes.

This Court is, however, not in agreement with the submission. It is settled law that the landlord is the best judge of his requirements, more particularly if the same relate to his professional standing. Even assuming that two vacant shops are situated on either sides of the demised premises, existence of the disputed shop in between would clearly not be of any convenience to the landlord as there would be no linkage in between to connect those two shops.

This Court finds thus no merit in the present petition and the same is dismissed.

The petitioners are, however, granted time till 31st of May, 2019 to deliver vacant possession of the demised premises to the respondent subject to payment of the outstanding arrears of rent which may be cleared up within a month from today, and the current rent shall be paid within 15th day of each succeeding month, failing which, the respondent shall be at liberty to revive the execution proceedings which are now ordered to be stayed till 31st of May, 2019. Furthermore, considering the disputed dilapidated condition of the demised premises,

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the petitioners may continue to occupy the same till the time granted to them by this Court at their own risk and responsibility.

(SUDIP AHLUWALIA)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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