

CR No.3848 of 2018 (O&M)
Date of Decision: 16.9.2019

Mohinder Singh

.....Petitioner

Versus

Shakuntala and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. S.S. Jattan, Advocate, for the respondents.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition is filed against order and judgment dated 22.8.2017 passed by the Rent Controller, Ambala, vide which, eviction petition filed by the respondent-landlords was allowed as well as against the judgment dated 23.3.2018 dismissing the appeal against the said order confirming the findings of the Rent Controller.

While praying for setting aside the aforesaid orders, learned counsel for the petitioner submitted that the ground of personal necessity was a mere eye wash. The premises in question is being used as go-down. The respondent-landlords are permanent residents of Patiala and there is nothing to show that they wanted to shift to Ambala where the premises in dispute exists and that they require it for residential purposes. Further the landlords owned various properties and are settled in Patiala. There is no evidence to support the ground of personal necessity. Reliance has been placed upon the judgment of this Court rendered in the case of Manmohan Lal vs. Shanti Parkash Jain, 2014(5) RCR (Civil) 667 to contend that in case the personal necessity was pleaded on account of premises being required

should have been examined and it was also necessary to plead that the son of the landlord was not in possession of any other premises and had not got any such premises vacated. Failure to do so amounts to non-compliance of the statutory requirements of Section 13(3)(a)(i) of the East Punjab Urban Rent Restriction Act, 1949. It was further argued that sisters-in-laws of respondent No.1-landlord are married and living with their in-laws and respondent No.1-landlord is residing with her matrimonial house.

Heard learned counsel for the parties.

The first argument of learned counsel for the petitioner that the respondent-landlords were permanent residents of Patiala and there is no averments to show that they wanted to shift to Ambala, has no merit. Patiala and Ambala are adjoining to each other and they are personally residing in Patiala, which is at short distance from the premises in dispute, which somehow falls in the district Ambala. Secondly, respondent No.1-landlord is a widow. She has two minor sons and she requires the premises (shop and house) in question for bonafide requirement and her business. It is specifically stated by her that she has no other shop or house. She has no other source of income and no other property. The petitioner-tenant failed to cross-examine on any such point or extract anything from her cross-examination, which may show that she had any other property or did not require the same for herself or her two sons. In the present case, respondent No.1-landlord along with other respondents have filed eviction petition after the death of her husband, so that she and her children could earn livelihood. It is the settled proposition of law that the landlord is the best judge of his need and personal necessity. In the present case, the petitioner has lost from

both the Courts below.

Accordingly, this Court finds no reason to interfere with the concurrent findings recorded by the Courts below. Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

16.9.2019

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No