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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 31.10.2019

+ RC.REV. 422/2019 & CM APPL. 31713/2019

GULSHAN ARORA

..... Petitioner

versus

RAMESH CHANDER

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Abhishek Kumar and Mr. Sanyam Tandon,
Advocates with petitioner in person.

For the Respondent: Mr. Ajay Gupta, Ms. Surbhi Gupta, Ms. Aishwary Jain
and Mr. Shubham Prasad, Advocates. with respondent in
person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 16.03.2019 whereby leave to defend application of the petitioner has been dismissed and an eviction order passed.
2. Respondent had filed the subject petition seeking eviction of the petitioner from one shop in property bearing No. E-16/930, Tank Road, Bapa Nagar, Karol Bagh. New Delhi-1 10005 on the ground of *bonafide* necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958.
3. Respondent has filed the subject petition contending that the

respondent is the owner of two shops situated at ground floor and one of the shops is in possession of the respondent and other shop is the subject tenanted premises.

4. It is contended that respondent bonafidely requires the shop for his sons who are dependant upon him and do not have any other reasonable and suitable accommodation as they are doing business of commissioner agent and now want to do their own business from the tenanted shop and they have no other reasonable suitable accommodation.

5. Petitioner filed the subject leave to defend application. Petitioner has not denied that the relationship of landlord-tenant exists between the parties. Rent Controller by the impugned order dated 16.03.2019 has held that the relationship of landlord-tenant exists between the parties.

6. Before this Court, it is not disputed that there is a relationship of landlord and tenant between the parties and that the respondent is the owner of the property.

7. With regard to the contention of the petitioner that the sons of the respondent are carrying on business with him. Rent Controller, based on the record produced before him held that the respondent was carrying on the business as a sole proprietor concern and not in partnership with his children. Rent Controller has noticed that petitioner has not set up a case that the sons of the respondent are engaged in any independent business in any other accommodation.

8. With regard to the bonafide necessity, the only ground taken by the petitioner is that one shop adjacent to the rented shop is in possession of the

respondent who is running business from there and his sons are working with him. Petitioner has further contended that the respondent wants to expand its business and therefore wants the tenanted shop.

9. Even before this Court, the only case set up by the petitioner is that sons of the respondent as allegedly carrying on business of commission agents but, in fact, are assisting the respondent in his business.

10. It is not the case of the petitioner that the sons of the respondent are carrying on any independent business from any other property or that any suitable alternative accommodation is available to them from where they can start their business.

11. Respondent has three sons and it is conceded by the counsel for the petitioner that all are married and have children also. It is not disputed that they are dependent upon their father for the purpose of accommodation.

12. Petitioner has not been able to show any material that the sons of the Respondent are carrying on any business or are having any other alternative accommodation. The only case set up by the petitioner is that the sons are assisting their father i.e. respondent in the business.

13. When the respondent is carrying on business as a sole proprietor and he has three sons who are married and have their respective families, it is well within the right of the respondent-landlord to seek eviction of the petitioner from an accommodation for the purpose of commencing/setting up of a business for his sons.

14. Rent Controller has rightly held that the need as propounded by the

respondent is bonafide and respondent was well within his right to seek eviction of the petitioner from the tenanted premises for setting up of an independent business by his children.

15. Petitioner has not been able to show any material that there is any other commercial space available either with the respondent or his children from where they can start their business.

16. I find no infirmity in the view taken by the Rent Controller that the petitioner has not been able to show any prima facie case or plead any ground, which if proved, would disentitle the respondent-landlord from an order of eviction.

17. In view of the above, I find no merit in the petition. The petition is accordingly dismissed.

18. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 31, 2019

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