

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CR-1860-2020 (O&M)
Date of Decision:-11.5.2020

Rajinder Singh (deceased) through its legal representatives ... Petitioners

Versus

Gurbachan Singh Chawla ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Sobti, Advocate for the petitioners.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners (tenants) assail judgment 17.1.2020 passed by Appellate Authority, Chandigarh, whereby their appeal against ejectment order dated 28.3.2018 passed by learned Rent Controller, Chandigarh has been dismissed.
2. A few facts necessary to notice for disposal of this petition are that the respondent-Gurbachan Singh Chawla (landlord) had filed an ejectment application in the Court of learned Rent Controller, Chandigarh seeking vacation of the demised premises i.e. First Floor of House No.215, Sector 32-A, Chandigarh, which was in occupation of the petitioners. The respondent (landlord) had set up the ground of personal necessity while asserting that he, after demise of his wife, had shifted to 20, MW, Industrial Area, Near Elante Mall, Chandigarh, but now he wanted to shift to his own

house alongwith his son Harminder Singh. His son Harminder Singh was stated to be presently residing with his brother Amarjit Singh but since the children of both the brothers i.e. Amarjit Singh and Harminder Singh were growing up, Harminder Singh required sufficient space for his family. The landlord specifically asserted therein that he was in need of the premises, so that he can stay alongwith Harminder Singh and his family, who could also take care of the respondent (landlord).

3. The ejectment application was, however, opposed by the petitioners, who took a stand that the respondent (landlord) had not approached the Court with clean hands and infact he was residing in Mohali and intended to get the premises vacated from the petitioners and thereafter to convert the same as paying guest accommodation with the help of one Savita Rani Batra, who was already running paying guest accommodation in several houses in Sector 32, Chandigarh. The learned Rent Controller framed the following issues:

1. Whether the repondent is liable to be evicted on the ground of personal use and occupation of the petitioner and his family members? OPP
2. Whether the respondent is liable to be evicted on the ground of arrears of rent? OPP
3. Whether the petitioner has concealed the material facts? OPR
4. Whether the petitioner has not come to the Court with clearn hands? OPR
5. Relief.

4. The respondent (landlord) himself stepped into the witness-box to substantiate his case. On the other hand, Nirmala Devi, widow of the tenant Rajinder Singh stepped into the witness-box being his legal heir.
5. The learned Rent Controller decided all the material issues against the petitioners including issue pertaining to personal necessity of the respondent (landlord) and consequently directed the petitioners to vacate the demised premises vide order dated 28.3.2018.
6. Although the petitioners challenged the ejectment order dated 28.3.2018 by way of filing appeal before the Appellate Authority but the same was dismissed vide judgment dated 17.1.2020, which has been assailed by way of filing this revision petition.
7. I have heard the learned counsel for the petitioners and have also perused the impugned judgments.
8. A perusal of the impugned judgments shows that the Trial Court has duly appreciated the evidence led by the parties. The respondent (landlord), while stepped into the witness-box, has categorically stated as regards the personal necessity and as regards the fact that he alongwith his son and his family intends to move to the demised premises. The said statement was found to be trust worthy and could not be shattered during cross-examination as has been noticed by the learned Courts below.
9. Nothing could be brought on record to show that the petitioners had not approached the Court with clean hands. The contention of the learned counsel for the petitioners that the respondent (landlord) infact intends to convert the demised premises into paying guest accommodation cannot be accepted and the same would virtually mean that the Court is assuming facts

which are not in existence. Needless to mention in case the respondent (landlord) does not occupy the demised premises or lets it out to somebody else within one year from taking possession, it shall always be open to the petitioners to bring the said fact to the notice of the Rent Controller and seek appropriate orders for restoration of possession.

10. This Court does not find any infirmity in the impugned judgment passed by learned Rent Controller or by the Appellate Authority and the same are hereby affirmed. The petition, as such, is sans merit and is dismissed.
11. However, keeping in view the present circumstances of spread of pandemic 'COVID-19', it will be certainly be difficult for the petitioners to move out of the demised premises immediately or to find some other suitable premises. As such, it is ordered that the time afforded to the petitioners to vacate the demised premises shall stand extended upto 31.12.2020 provided the petitioners furnish an undertaking to this effect within a period of three weeks from today before the Rent Controller concerned.

11.5.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No