

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2065 of 2020 (O&M)
Date of Decision: 24.7.2020

M/s Sham Dass and sons

.....Petitioner

Versus

Shri Ram Kanya Mahavidyalya Sabha (Regd.)

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sharad Mehra, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

Challenge in the revision petition is to the order dated 30.5.2018 passed by the learned Rent Controller, Amritsar, whereby an application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (for short 'Act') filed by the respondent was allowed and the petitioner was directed to vacate the demised premises within a period of three months and to the order dated 28.2.2020 passed by learned Appellate Authority, whereby the appeal filed by the petitioner has been dismissed.

Both the Courts below have categorically held that the petitioner did not lead any evidence which could controvert the *bona fide* necessity of the respondent-landlord as regards the demised premises. It was further held that the Court cannot impose its perception of the state of affairs at the parameters of the necessity so pleaded. Still further it was held that as the respondent landlord is an institution, its *bona fide* need of the premises in question with the change of circumstances, could not be

doubted.

It is settled law that the tenant cannot dictate the terms and the landlord can use the premises as per his choice taking into account his *bona fide* need therefor. Thus, I do not find any perversity in the findings recorded by the Courts below.

At this stage, learned counsel for the petitioner states that he does not lay any challenge to the findings recorded by the Courts below and rather would confine his prayer only to the extent of granting the petitioner eight months' time to vacate the demised premises.

In view of the above, the present petition is dismissed. However, the petitioner is granted eight months' time to vacate the demised premises and hand over the possession thereof to the respondent-landlord.

(HARNARESH SINGH GILL)
JUDGE

July 24, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No