

\$~2, 3 & 4

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

% Judgment delivered on: 03.02.2020

+ RC.REV. 23/2020 & CM APPL.1494/2020 & 4371/2020
RAJ KUMAR KASHYAP Petitioner

versus

PUSHPENDER SINGH Respondent

+ RC.REV. 25/2020 & CM APPL.1623/2020 & 4194/2020
NOOR MOHD Petitioner

versus

PUSHPENDER SINGH Respondent

+ RC.REV. 26/2020 & CM APPL.1658/2020 & 3688/2020
SARDAR BALJEET SINGH Petitioner

versus

PUSHPENDER SINGH Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. V.K.Sharma, Advocate.

For the Respondent: None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn orders dated 10.12.2018 whereby the eviction petitions filed by the respondent have been decreed and eviction orders passed. Petitioners also impugn orders dated 19.12.2019 whereby the review petitions filed by the petitioners have been dismissed.

2. Since the three Eviction Petitions were filed citing identical grounds for eviction and identical leave to defend applications were filed leading to identical orders so all the three petitions have been taken up for consideration together and are being disposed of by a common judgment.

3. Subject eviction petitions were filed by the respondent seeking eviction of the petitioners from one shop each at the ground floor of property bearing B-8, Old Plot No.43, Block-5, Kanti Nagar, Shahdara, District East Delhi, more particularly as shown in red colour in the respective site plans annexed to the respective eviction petitions.

4. Respondent had filed the subject eviction petition contending that he is the owner/landlord of the property and usually used to go to Australia for job purposes and it is contended that he has no reasonably suitable commercial accommodation at Delhi or at any other place in India to run his business and wants to now settle permanently in Delhi and accordingly requires the tenanted premises as also the other shops which have been let out for the purposes of

running the business of electronics.

5. It is pleaded that respondent was filing eviction petitions with regard to all the tenants in the said property as he requires sufficient accommodation for opening an electronic showroom as well as godown for storage purposes. It is contended that he also wishes to reside in the other part of the property.

6. It is contended on behalf of the petitioner that respondent is gainfully employed in Australia and as such there is no likelihood of him leaving his job and coming to India.

7. In his evidence respondent has once again reiterated that he travels to Australia for job purposes and intends to settle permanently in India in the subject suit property and requires the tenanted shops for commercial purposes for selling goods and the remaining portion to be used as a godown. It is further contended that he intends to reside in other portions of the property.

8. The Rent Controller based on the evidence has returned a finding that respondent is the owner/landlord of the subject property and that he has no other alternative suitable accommodation for the purposes for which the eviction petition is being filed.

9. Rent Controller has noticed that the tenanted premises as also the other portions in possession of other tenants are either on the main road or in a gali adjoining the main road.

10. Though the tenanted premises in RC. REV 23/2020 is not right on the main road but it is adjoining a shop which open on the main road, which shop is also subject matter of this order and falls on the gali which opens on the main road. Subject property is a corner plot on the one side of which there is the main road and on the adjoining side there is a gali.

11. Rent Controller has held that it is the discretion of the landlord to choose the property which is most suitable for the purposes of his requirement. Neither the tenant nor the court can dictate to the landlord as to which property he should choose and as to how to utilise his properties.

12. Respondent in his evidence has established the he is the owner of the property and he has also produced copy of his passport and visas to show his travel schedule and has been able to establish that he requires the tenanted premises for the purposes of opening his electronics business.

13. No evidence has been produced on behalf of the petitioner to show that the need as projected by the respondent is not bonafide. Petitioner has not been able to produce any evidence to show that respondent has other suitable alternative accommodation available. There is also no dispute of relationship of landlord and tenant between the parties.

14. In view of the above findings, Rent Controller has allowed the

eviction petitions holding that the respondent is the owner/landlord and does not have any other suitable alternative accommodation and requires the tenanted premises and that the requirement of the respondent is bonafide.

15. Nothing has been produced before this Court to show to the contrary.

16. I find no infirmity in the respective orders impugned by the petitioners or the findings returned by the Rent Controller. I find no merit in the petitions.

17. The petitions are accordingly dismissed.

18. It may also be noted for the purposes of record that respondent has already obtained possession of the tenanted premises through warrants of possession issued in execution of the orders dated 10.12.2018.

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

SANJEEV SACHDEVA, J

FEBRUARY 03, 2020

rk