

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CR No.664 of 2021 (O&M)
Date of decision: 23.11.2021**

Tilak Raj and others

...Petitioner(s)

Versus

Inderjit Aggarwal

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.K. Mehta, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (Oral)

The petitioners' eviction has been ordered by the Appellate Authority from the tenanted premises in exercise of powers under Section 13 of the East Punjab Urban Rent Restriction Act, 1949. On 08.09.2021, a Coordinate Bench had passed the following order:-

“CM-8004-CII-2021

Application for placing on record site-plan as Annexure P-6, is allowed, in view of the averments made in the application, duly supported by affidavit. Said document is taken on record, subject to just exceptions. Office to append the same at appropriate place.

CM stands disposed of.

CR-664-2021 (O&M)

Keeping in view the size of the premises in question which are now sought to be vacated and which are in occupation of the petitioner, this Court is of the opinion that the Lower Appellate Court was not at fault while reversing the findings of the Rent Controller. However, since the petitioner has been a tenant since 1984, this Court is of the view that some time may be granted to the petitioner for vacation of the premises.

Mr. Mehta, accordingly, prays for time to seek instructions and file necessary affidavit regarding this aspect.

List on 23.11.2021.”

Mr. Mehta, learned counsel representing the petitioners has stated that the petitioners are not willing to buy some time for handing back the vacant possession of the premises.

The attention of Sh. Mehta, learned counsel representing the petitioners has been drawn to the observations made by a Coordinate Bench on 08.09.2021. However, he insists that the petitioners want the Court to decide the case on merits.

A Coordinate Bench after hearing the learned counsel representing the petitioners has already expressed its opinion. In any case, this Bench has again heard the matter at some length.

The respondent-landlord, aged more than 60 years, is a practising advocate at District Court Ferozepur, Punjab. He has sought eviction of the tenants from two rooms on the ground floor of the premises, which is used as a residence by the respondent (landlord). The tenants are allegedly using the aforesaid two rooms for washing utensils and as a residence of the servants. The Appellate Authority considering the facts and circumstances of the present case has found out that the requirement of the landlord is bona- fide.

The learned counsel representing the petitioners contends that the Appellate Authority has written a major part of the judgment on the ground as if the landlord wants the premises for his office. He submits that the respondent (landlord) has sought the eviction of the tenants on the ground of bonafide personal necessity for using the property as a residence.

From the reading of the petition, it is clear that the respondent(landlord) has sought the eviction on the ground that he does not have sufficient accommodation to accommodate the guests and for necessity

of his family. It has been asserted that one room is required by the respondent for using it as office and a consultation room whereas the other room is required by the respondent (landlord) and his wife as their bedroom. The petitioner has categorically stated that apart from the tenanted premises, the landlord is in possession of 2 rooms, a store and a kitchen on the Ground Floor.

Keeping in view the aforesaid facts, the Appellate Authority has found out that the respondent has made out a case for his bona fide requirement.

The learned counsel representing the petitioners further contends that the Appellate Authority has erred in refusing to take into consideration the subsequent events. He contends that the landlord's unmarried sister-in-law has passed away and therefore, the accommodation on the first floor of the tenanted premises has become available. The landlord, who is old, cannot be forced to stay on the first floor along with his aged wife and very old mother.

Keeping in view the aforesaid facts no ground to interfere is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

23.11.2021

nt/parveen

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No