

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

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IN VIRTUAL COURT

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CR No. 2316 of 2021

Date of decision : 29.10.2021

Anil Jain and another

.....Petitioners

Vs.

Makhan Lal Singla

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajan Bansal, Advocate, for the petitioners

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 24.8.2021 (Annexure P-5), passed by the Rent Controller, Bathinda, whereby the application for directing the landlord to permit the Draftsman and Photographer of the petitioner/tenant to inspect whole of the ground floor of building MC No. 4647 so as to prepare a detailed map; and also to take photographs of the same, was dismissed. Further prayer of the petitioners is to stay the further proceedings of the eviction petition pending before the Rent Controller, Bathinda during the pendency of the present petition.

It is submitted by counsel for the petitioners that the landlord/respondent has filed the eviction petition on the ground of personal necessity. The landlord is having other sufficient space for his personal necessity. Therefore, his petition is not based upon correct facts. To establish the fact that the landlord/respondent is having sufficient space, the petitioners had applied to the Rent Controller for permission to photograph the building

occupied by the landlord and the space behind that. However, the Court below has wrongly rejected the applications. The petitioners deserve to be granted an opportunity to collect the evidence so as to prove the fact that the landlord does not have any *bona-fide* requirement of the demised premises; because he already owns sufficient space for his requirement.

Having heard the counsel for the petitioners and having perused the impugned order, this Court does not find any substance in the argument of counsel for the petitioners. As observed by the Court below, the ground raised by the landlord/respondent for seeking eviction of the petitioners is the personal necessity, wherein he has pleaded that he wishes to demolish the building and to expand his business so as to assimilate his son also in the business, therefore, he needs more space. To fulfill that requirement, the petitioners deserve to be evicted. This Court finds itself in agreement with the reasoning recorded by the learned Rent Controller that once the ground taken by the landlord is that he wants to demolish the building and thereafter, construct a new building to provide sufficient space for his business and for establishment of his son in the business, then any measurement of the property occupied by the respondent/ landlord is totally irrelevant. Moreover, sufficiency of the space is to be seen by the landlord and not by the tenant. Sufficiency of space, if at all the Court is to look into it, has to be seen in view of the needs put forward by the landlord and not with extra emphasis on space available with the landlord. Needless to say, that even the East Punjab Urban Rent Restriction Act, 1949 does not require that for getting eviction of the tenant from the rented premises a landlord should not be already having sufficient space. The requirements, as prescribed in the Act; are only qua the

fact that the landlord should not be occupying another building in the urban area concerned and he should not have vacated any such premises before filing the petition without sufficient cause. From this point of view as well, any photograph to be taken by the petitioners is totally irrelevant for the purpose of decision of the proceedings. Hence, this Court finds that the learned Rent Controller has rightly arrived at the conclusion that the present application has been filed only to delay the conclusion of the proceedings.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

29.10.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No