

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

**C.R. No. 2412 of 2021**

**Date of Decision:- 08.11.2021**

Smt. Updesh Jaspal

....Petitioner

vs.

Mansoor Ali

....Respondent

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**BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Pawandeep Singh, Advocate,  
for the petitioner.

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**Sudhir Mittal, J. (Oral)**

The petitioner is the land-lady. She is aggrieved by order dated 15.09.2021 passed by the learned Civil Judge (Jr. Division), Chandigarh, exercising the powers of the Rent Controller whereby application under Order 18 Rule 17 read with Section 151 of the Code of Civil Procedure filed by respondent-tenant has been allowed.

The aforementioned application was filed for recalling PW-2 Surinderjit Singh Jaspal (husband of the land-lady) for cross-examination on the ground that the applicant acquired knowledge of acquisition of a residential house by him after he had been examined as a witness. The said property is situated in the same lane as the demised premises and, thus, the acquisition would have a material bearing on the decision of the eviction application.

The Rent Controller has accepted the submissions made on behalf of the respondent-tenant and has allowed the application.

Learned counsel for the petitioner has argued that acquisition of another residential house by the husband, who is not the land-lord, would make no material difference in deciding the eviction application. The application was filed solely for

the purpose of delaying a final decision and, thus, the Rent Controller was in error in allowing the same. Reliance has been placed upon a Single Bench judgement of this Court in **Raj Kumar** vs. **Kanak Prabha Bhatia**, 2013(1) RCR (Rent) 484.

A perusal of the aforementioned judgment shows that revision filed by the tenant against his eviction was dismissed on the ground that the requirement of the land-lady was bona fide. In this case, the eviction was sought for the benefit of the son, who had come back from Dubai and was living in the house at Delhi with his parents. The house was in a Society and on the upper floor. The demised premises was a 500 sq. yard property. The argument that the husband of the land-lady was the owner of a flat in a society was rejected on the ground that it is for the land-lady to decide which premises is best suited for the requirements of her son.

The aforementioned judgment is not applicable to this case for the reason that facts therein are totally distinguishable. In the said case, the eviction was sought for the benefit of the son who had returned from Dubai and was doing consultancy work from a flat. Thus, it was held that the land-lord is the best judge of his requirement. No law has been laid down that acquisition of an identical property as the demised premises by the husband would not be relevant under any circumstances where eviction is sought on the ground of personal necessity. Hence, the argument of learned counsel for the petitioner cannot be accepted.

For the aforementioned reasons, the revision petition is without any merit and is accordingly dismissed.

**November 08, 2021**  
**poonam**

**( SUDHIR MITTAL )**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes**

**Whether Reportable**

**No**