

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

Sr. No.105

**CR No.791 of 2021 (O&M)
Date of Decision: 27.10.2022**

Vijay Kumar

.... Petitioner

Versus

Prem Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K.Choudhary, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This is tenant's revision against the order of ejectment passed against him by the Rent Controller, as well as the order in appeal whereby the Appellate Authority upheld the same.

2. The eviction petition was filed by the respondent-landlord on the ground of non-payment of rent, failure of the tenant to occupy/carry on business in the demised premises and personal necessity. The ground of personal necessity has been found in the landlord's favour and the eviction has been ordered.

3. Learned counsel for the petitioner/tenant has argued that the landlord has four identical shops, and the demised premises/shop is one of those shops. In this regard, he has referred to cross-examination of PW-2 Shubham son of Prem Lal, who is landlord's son, to contend that existence of four shops has been admitted by the witness. And one of these shops is lying vacant. Therefore, there is no reason for the landlord to seek

possession of the shop in his occupation in preference to the other identical shops.

4. A perusal of the cross-examination of PW-2, relied upon by the petitioner, does not establish that any of the four shops owned by the respondent is lying vacant. In case the landlord has decided to seek eviction of the demised premises for his *bona fide* need, which has been duly established on record, no fault can be found in it. It is settled proposition of law that the tenant cannot dictate terms to the landlord. He is no authority to advise the landlord to choose a premises in particular for setting up the business in question. Besides, it has been categorically held by the Courts below that there is no evidence on record that any of the shops in the vicinity belonging to the landlord has been vacated. Once it has been successfully established on record by the landlord that he needs the premises for his *bona fide* need and wants to establish business for his son there, no exception can be taken to his seeking eviction of the tenant from the premises in question. Personal necessity of the landlord is to be seen from his point of view and not from that of the tenant.

5. In view of the aforesaid, there is no ground to interfere with the well reasoned findings of the Rent Controller as well as Appellate Authority.

6. Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

27.10.2022
Maninder

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