

S. No.241

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

CR No.2373 of 2021 (O&M)

Reserved on 05.12.2022

Date of Decision:08.12.2022

Prem Chand

.....Petitioner

Vs.

Devi Bala Sundri Mandir

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikram Singh Narwal, Advocate for the petitioner.

Mr. Pritam Singh Saini, Advocate for the respondent.

DEEPAK GUPTA, J.

Tenant is in this revision against judgment dated 07.09.2021 passed by the Appellate Authority, Kurukshetra whereby ejectment order dated 20.01.2017 of learned Rent Controller, Kurukshetra has been affirmed, ordering the ejectment of the tenant (petitioner herein), in a petition filed by landlord – Devi Bala Sundri Mandir Ladwa (now respondent).

2. It is contended that the landlord has more than 40 shops around the Mandir, despite which ejectment order has been passed. It is submitted further that petitioner is running tea stall in the demised shop and this is the only source of livelihood for him.

3. Having considered the submissions of both the sides, I find no merit in the revision.

4. It is conceded position that ejectment petition was also filed by same landlord in respect of an adjoining shop against another tenant Lachhman Dass. That petition was accepted by the Rent Controller and the order was affirmed initially by the First Appellate Court Authority and then

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the revision (CR No.4208 of 2019 (O&M)) was dismissed by this High Court on 12.07.2019. Not satisfied with the same, the tenant Lachhman Dass filed Special Leave Petition (Civil No.40731 of 2019) but the same was dismissed by the Hon'ble Supreme Court vide order dated 15.01.2020. The case of the present petitioner is on the same footing.

5. It is by now the settled proposition of law that landlord is the best judge of his needs. It is for him that which premises can satisfy his bonafide need. The landlord sought ejectment to make a place for placing shoes of the worshippers, who visit the temple frequently. As per the findings of the Court below, the demised shop is situated just nearby the temple. Simply because the landlord owns other shops in the premises, or that the tenant will be put to hardship, cannot be ground to deny the ejectment, once the landlord is able to convince about his bonafide need. As such, the revision is dismissed.

December 08, 2022
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No