

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

CR No.1443 of 2022 (O&M)
Date of decision: 12th December, 2022

Santokh Singh & others

... Petitioners

Versus

Manjinder Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: None for the petitioners.

Mr. Prateek Sodhi, Advocate for the respondents.

MANJARI NEHRU KAUL, J. (ORAL)

Even though the case has been repeatedly called today, however, there is no representation on behalf of the petitioners. It would be pertinent to notice that when the case came up for the first time before this Court on 22.04.2022, a request for adjournment was made on behalf of the arguing counsel. Thereafter, the case was adjourned to 15.07.2022, when a request for adjournment was yet again made on the ground that arguing counsel was unwell. Thereafter also, on the following date i.e. 22.08.2022, there was no representation on behalf of the learned counsel for the petitioners. On the next two dates as well, i.e. 04.11.2022 and 02.12.2022, the case was adjourned on the same ground. There is no justifiable reason to adjourn the case any further, hence, the same is being decided on merits.

The petitioner/tenant is impugning the order dated 04.02.2019, passed by the learned Rent Controller, Amritsar, whereby, the rent petition filed under Section 13-B of the East Punjab Urban

Rent Restriction Act, 1949 (for brevity 'the Act'), of the respondents/landlord, has been accepted and eviction of the petitioner-tenant from the demised premises bearing private No.2, 3 and 4, forming part of property Khasra No.926, situated at Abadi Kataria, Court Road, near New Rialto Cinema, Amritsar, has been ordered. The appeal preferred by the petitioner/tenant also stands dismissed, hence, the present petition.

Before proceeding further, it would be relevant to point out here that the scope of revisional jurisdiction of this court is limited to the extent of ascertaining that the findings of fact recorded by courts/authorities below are in accordance with law and do not suffer from any perversity or illegality. Further, this court cannot act as court of first appeal so as to reassess or reappraise the evidence in order to arrive at a different finding on facts.

Adverting to the case in hand, as per the pleaded case of the respondents/landlords they are Non-Resident Indians (NRI) staying in Germany and are the co-owners of property forming part of khasra no. 926 min, situated at area Abadi Kataria, Court road, Near Rialto Cinema, Amritsar (hereinafter referred to as "the building"). After their long stay abroad, they now want to return to India and want to set up a hotel-cum-restaurant business in the building. They, therefore, require the entire building including the demised premises to set up their business after converting it into a hotel-cum-restaurant.

It would be relevant to observe here that the requirement of a landlord is presumed to be genuine unless shown to the contrary, by

way of some cogent evidence. Further, the landlord being the best judge of his requirement, cannot certainly be dictated by a tenant as to how, where and in what manner he/she should or should not start his/her business. In the facts and circumstances of the instant case this court has no hesitation in observing that the findings recorded by courts below are in consonance with the settled law and do not suffer from any illegality much less any perversity. The respondents/landlords have duly met the statutory requirements and further, the necessity as pleaded by the respondents/landlords comes across to be most natural, genuine and bona fide instead of it being a ruse or pretext to evict the petitioner/tenant. It is also a matter of record that the respondents/landlords in furtherance of their plans to start the aforesaid business had instituted eviction proceedings against other tenants which in turn lends credence to their requirement being bona fide and not a mere wish or desire.

In the aforesaid circumstances, this Court does not find any merit in the instant petition and the same is accordingly dismissed.

All the pending miscellaneous applications, if any, stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

December 12, 2022

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No