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

CR-5143-2022 (O&M)

Date of decision :14.11.2022

BHUSHAN KUMAR @ BHUSHAN LAL

..... PETITIONER

VS

NARINDER KUMAR CHOPRA

..... RESPONDENT

CORAM :HON'BLE MR.JUSTICE ALOK JAIN

Present :- Mr. Ashok Bector, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

The present revision petition under Section 13 (3) (ii) of the East Punjab Urban Rent Restriction Act, 1949 has been preferred against the order dated 25.08.2022, whereby the rent appeal against the eviction order dated 22.02.2019, came to be dismissed.

The brief facts of the case as narrated by the counsel for the petitioner-tenant are that the respondent-landlord sought eviction of his four shops referred to as the entire premises, which were under tenancy of the petitioner. The grounds of eviction were non-payment of rent and *bona fide* personal requirement, on the ground that the respondent-landlord wanted to shift back and spend evening of his life there.

The eviction petition was resisted by the respondent, however, the Rent Controller vide order dated 22.02.2019 ordered eviction from the said premises by recording that the petitioner was in arrears of rent @ Rs.100/- per month w.e.f. 2009 till date by recording of finding that the

respondent-landlord had proved his personal necessity qua the shops in question.

Aggrieved by the said order, the petitioner preferred an appeal, which also came to be dismissed vide order dated 25.08.2022, wherein the Appellate Court after recording the factum of personal necessity of the respondent-landlord and also the non-payment of rent, dismissed the same.

Counsel for the petitioner has submitted that the claim of the respondent-landlord does not inspire confidence and both the Courts have failed to appreciate that the respondent-landlord has no interest in the said property. He further submits that there is no *bona fide* requirement of the respondent, who is well-settled in Panchkula, Haryana and the entire litigation is merely on the wish and whims and fancies of the respondent-landlord. It is submitted by him that the respondent already has one or two shops but the respondent is hell bent upon evicting the petitioner by hook or by crook. He submits that the *bona fide* requirement is not established and as regards of non-payment of rent, counsel for the petitioner submits that he is ready and willing to deposit the entire amount within the stipulated time.

Having heard the counsel for the petitioner and perusing the record, it has come out that the need of premises was well-founded inasmuch as that his desire to shift back to Machhiwara. The evidence went unrebutted to the extent that a number of relatives of the respondent-landlord were living in the same vicinity and therefore, the requirement of the landlord, who is aging or aged as narrated by the petitioner, inspire confidence and he wants to spend evening of his life among his close relatives and friends.

Be that as it may, it is settled principle of law that landlord is the best person to decide qua his requirement. In the present case, the landlord has proved that he is hale and hearty and physically fit to run a small-time

general merchandise business in the said shop. The fact regarding to his health had been admitted by the petitioner in the cross-examination, moreso, it has also come on record that it is not only the petitioner against whom the eviction proceedings were initiated but, in fact, against all the tenants, respondent-landlord had initiated the eviction proceedings.

The other argument raised by the petitioner-tenant that other shops had been got vacated by the landlord and hence, the vacation of these shops is unfounded. It is consistent case of the respondent-landlord that he requires all the four shops and rather it goes a long way to show the clean intention of the respondent-landlord to evict all the tenants from the said premises.

In the light of the above, there is no illegality or infirmity in the orders passed by the Courts below.

No ground to interfere, the present revision petition is dismissed.

Miscellaneous application, if any, also stands disposed of.

(ALOK JAIN)
JUDGE

14.11.2022
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Whether speaking/reasoned Yes/No
Whether Reportable Yes/No