

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

110

CR No.1015 of 2023 (O&M)
DATE OF DECISION : 15th FEBRUARY, 2023

Mandeep Singh

.... **Petitioner**

Versus

Asha Rani and another

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Atul Goyal, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

CM-2884-CII-2023

Allowed, as prayed for.

Main Case

This is a revision petition filed against the judgment dated 06.07.2017 passed by the Rent Controller, Jalandhar, whereby the eviction petition filed by the petitioner has been allowed under Section 13 of the East Punjab Rent Restriction Act, 1949 and against the judgment dated 09.12.2022 passed by the Appellate Authority, Jalandhar, whereby the appeal filed by the petitioner has been dismissed.

The main argument of the counsel for the petitioner is that the respondent-landlord was having other commercial property, therefore, the eviction petition filed by the landlord should have been dismissed for this reason alone.

Having heard the counsel for the petitioner and having perused the case file, this Court does not find any substance in the argument raised by the counsel for the petitioner. It is obvious that the property involved in the present case is not the residential property. Therefore, the eviction of the property involved in the present case would be governed by Section 13 (3) (a) (ii) of the East Punjab Rent Restriction Act, 1949 (for short, the Act). This section does not prescribe that the landlord should not have any other commercial property so as to be able to file the eviction petition against a tenant. Rather, the provision only prescribes that the landlord herself should not be in occupation of any other rented land or property. There is nothing on record to show that the respondent-landlord was having rented property under her possession. Therefore, this argument of the counsel for the petitioner is not supported by the provisions of the Act.

Otherwise also, this Court has already considered the matter in detail in ***CR No.7906 of 2017 titled as Vinod Kohli Versus Keemti Lal, decided on 31.01.2023***, regarding eviction of the tenant from the non-residential properties under the provisions of the Act. This Court has already held that landlord is not required to plead any personal necessity or any *bona-fides* for the same. The landlord has every right to become rich by utilizing his own property; the way he so desires, subject to fulfillment of the requirements prescribed in the said sections. He is under no legal obligation to remain poor only to make the tenant prosper.

In view of the above, finding no merit in the present petition, the same dismissed.

Since, the petitioner is occupying the property of the respondent-landlord for a long time, therefore, he is liable to be evicted from the property with immediate effect. However, the petitioner is granted a time of four weeks from today to hand over the vacant possession to the respondent/landlord, failing which the respondent/landlord shall be entitled to get the possession of the property in question with the police help; without requiring any further orders from any Court.

The pending miscellaneous application, if any, is also disposed of as such.

15th FEBRUARY, 2023
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>