

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

C.R.No.3701 of 2023 (O&M)

Date of Order: 03.07.2023

RAJINDER KUMAR SAINI AND ANOTHER

.Petitioners

Versus

SURJIT SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Agnihotri, Advocate, for the petitioners.

ANIL KSHETARPAL, J.
C.M.No.11335-C-2023

1. Allowed as prayed for.

MAIN

2. The petitioners herein are tenants, who have been ordered to be evicted by the Rent Controller as well as by the Appellate Authority on the ground of personal necessity of the landlord as well as for the non-payment of rent.

3. The Rent Controller on the appreciation of evidence has found that the landlord has a bonafide personal necessity as he wants to run his shop on the tenanted premises. The landlord in order to prove this fact has examined as many as 3 witnesses. He himself appeared as PW1. Despite lengthy searching cross-examination of the landlord, the learned counsel representing the tenants failed to impeach his credibility.

4. The learned counsel representing the petitioners contends that both the authorities have erred in ordering eviction of the petitioners on the ground of non-payment of rent as there was no written rent note. He further submits that the petitioners are using the premises for running their clinic as well as for residence.

-2-

5. This Court has considered the submissions of the learned counsel representing the petitioners.

6. Both the courts on appreciation of evidence have assessed the rate of rent, in absence of a written note. Such finding is based on the appreciation of evidence. The learned counsel representing the petitioners failed to draw the attention of the court towards any perversity or impropriety in such finding.

7. As regards the second argument, it may be noted that the property is situated within the market. Admittedly, the ground floor is being used by the tenants for the commercial purpose. The landlord has sought eviction for non-residential purpose. It is not the case of the tenants that the entire premises cannot be used for non-residential purposes.

8. In view of the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

July 03, 2023

nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO