

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

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2023:PHHC:151413

**CR-5903-2022 (O&M)
Date of decision: 29.11.2023**

TARUN CHADHA

..Petitioner

Versus

AJAY KUMAR AND ORS.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Parvinder Singh, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. In this rent revision petition, the correctness of the concurrent findings of fact arrived at by the learned Rent Controller, which in appeal has been affirmed by the Appellate Authority, has been challenged. The eviction of the petitioner and respondent No.2 to 4 was sought on various grounds including subletting, bonafide necessity of the landlord and his two sons, dilapidated condition of the building which is not fit for human habitation apart from the non-payment of rent. Both the Courts have held that the ground of tenant having sublet the premises without the written permission of the landlord is proved. It was also held that the landlord has successfully proved his bonafide necessity as well as the building had become unfit for human habitation.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. At the outset, it is important to note that the possession of the tenanted premises had already been delivered to the landlord.

4. The learned counsel representing the petitioner contends that the Courts below have erred in ordering eviction of the petitioner because the petitioner herein is the nephew of Smt. Sanyogta widow of Sh. Vijay Kumar. He submits that the original tenant was Sh. Bal Kishan and Sh. Tarun Chadha and Smt. Sanyogta are heirs of Sh. Bal Kishan. He further submits that the landlord has failed to prove his bonafide necessity as only bald assertions have been made by the landlord. He further submits that on the one hand, the landlord wants the premises for his bonafide necessity, whereas, on the other hand, it is alleged by him that the building is unfit and unsafe for human habitation.

5. Per contra, the learned counsel representing the respondents submits that even if the finding with regard to the subletting is ignored, the bonafide necessity of the landlord has been proved as the landlord is already running business of the electrical goods from the adjoining shop. His two children have joined him in the business and now he wants to expand his business by merging both the shops. He further submits that the landlord Sh. Ajay Kumar, his son Sh. Varun Garg have appeared in evidence to prove that fact and Smt. Sanyogta (respondent No.2) has admitted that both the sons of the landlord are working in the shop run by their father (i.e. the landlord).

6. This Court has considered the submissions of the learned counsel representing the parties.

7. It is not in dispute that the landlord is already running his business in the adjoining shop to the tenanted premises. The landlord claims that he wants to expand his business as his two sons have started working with him. Smt. Sanyogta one of the respondent has admitted that fact.

8. Keeping in view the aforesaid facts, there is no error in the orders passed by the Courts below while ordering eviction of the petitioner on the ground of bonafide necessity.

9. As regard the second argument, it may be noted that the respondent has already asserted that he wants to merge the two shops and construct a big shop for running his business. Hence, there is no contradiction in the statements made by the respondents.

10. Consequently, finding no merit, the revision petition is dismissed.

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

November 29th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*