

CR-7018 of 2023 (O&M)

2023:PHHC:147927

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

CR-7018 of 2023 (O&M)
Date of decision: 21.11.2023

Smt. Samreen

.....Petitioner

Versus

Sh. Harbhajan Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. K.K. Saini, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been filed under Section 15(5) of the East Punjab Urban Rent Restriction Act, 1949 (for short 'the Act') impugning the judgment dated 08.02.2023 passed by the Rent Controller, Chandigarh, whereby petition filed by the respondent-landlord under Section 13 of the Act has been allowed and petitioner-tenant has been directed to vacate the demised premises and hand over the possession of the same to the respondent-landlord within a period of one month from the date of judgment as well as against the judgment dated 16.08.2023 passed by the Appellate Authority, whereby appeal filed by the petitioner against the judgment of the Rent Controller dated 08.02.2023, has been dismissed.

2. Brief facts of the case are that respondent-landlord filed a petition under Section 13 of the Act for ejectment of the petitioner-

CR-7018 of 2023 (O&M)

2023:PHHC:147927

tenant from one hall room, kitchen and shared latrine and bathroom on the first floor of House No.517, Sector 20-A, Chandigarh, on the ground of non-payment of rent and personal necessity. The said petition was allowed by the Rent Controller vide judgment dated 08.02.2023 by recording that petitioner was in arrears of rent and respondent had proved his *bona fide* need and necessity to get the eviction of petitioner from the premises in dispute. Aggrieved against the judgment of the Rent Controller, petitioner preferred appeal, which has been dismissed by the Appellate Authority vide judgment dated 16.08.2023. Hence, this revision petition.

3. Learned counsel for the petitioner contended that both the Courts below erred in ordering ejectment of the petitioner from the demised premises. He further contended that Courts below failed to appreciate that respondent-landlord had failed to prove his personal necessity. He further contended that petitioner was not a tenant under the respondent rather she was adopted by the respondent and his wife as they were issueless.

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, Smt. Luxmi Devi, mother of the respondent was having life interest in the premises in question on the basis of 'Will' of her husband late S. Sant Singh. Smt. Luxmi Devi inducted the petitioner, who is the niece of the wife of the respondent, as tenant in the said house vide rent agreement duly executed between the parties for a period of 11 months at a monthly rent of Rs.2000/-, excluding

CR-7018 of 2023 (O&M)

2023:PHHC:147927

water and electricity charges for the period from 01.05.2001 to 31.03.2002. The said tenancy was further extended for another period of 11 months and the rent was increased to Rs.2100/- per month. The tenancy was again extended from 01.03.2002 to January 2004 with increase of rent to Rs.2200/- per month and from February 2004 to December 2004 at the monthly rent of Rs.2300/- and finally from January 2005 to November 2005 at a monthly rent of Rs.2400/-. After November 2005 onwards tenancy of the petitioner was not extended and she stopped paying rent from December 2005 onwards. The aforesaid rent deeds, duly signed by the petitioner-tenant, have been proved on record by the respondent as Ex.P1 to Ex.P5. After the death of Smt. Luxmi Devi, house in question was transferred in the name of the respondent on the basis of 'Will' of late S. Sant Singh. Consequently, respondent became owner/landlord of the house in question. Petitioner failed to explain if she was not a tenant in the premises in question as why she executed aforesaid rent deeds. In order to grab the property of issueless persons, without any evidence, petitioner has concocted a story that she was adopted by the respondent and his wife, however, no adoption deed has been placed on record by the petitioner. Both the Courts below have rightly held that petitioner was a tenant under the respondent-landlord and was in arrears of rent since December 2005.

6. It is settled proposition of law that the landlord is the best judge of his need, he cannot be dictated the terms, upon which he should assess his *bona fide* needs. Petitioner has fully proved tenanted

CR-7018 of 2023 (O&M)

2023:PHHC:147927

premises was required for his *bona fide* personal necessity. While appearing as PW1, respondent-landlord tendered his duly sworn affidavit as PW1/A reiterating the contents of the petition. He has categorically deposed that he has installed Beed of Shri Guru Granth Sahib in one room on the first floor of the house in question, which is a small room and the same is not sufficient to accommodate more than 6-8 persons. In the other room luggage etc. have been stored by him. Therefore, he decided to install the Beed of Shri Guru Granth Sahib in the hall room on the first floor of the house which was under the occupation of the petitioner. Respondent was cross-examined at length, however, nothing adverse could be elicited.

7. The petitioner cannot be permitted to occupy the premises without payment of rent and on the false ground of adoption by the respondent, without there being any adoption deed.

8. Concurrent findings have been recorded by both the authorities below that respondent-land required the demised premises for his personal necessity and petitioner-tenant was in arrears of rent. Learned counsel for the petitioner has failed to show that the findings recorded by the Courts below are perverse or illegal or based on misreading, non-reading or mis-appreciation of the material evidence on record. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the judgments by way of exercising the revisional jurisdiction.

9. No other point has been urged.

CR-7018 of 2023 (O&M)

2023:PHHC:147927

- 10. Dismissed.
- 11. Pending application(s), if any, stand disposed of accordingly.

21.11.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No