



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4430-2017 (O&M)

Date of Decision: September 27, 2024

Mangat Ram

...Petitioner

Versus

Naresh Kumari and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Sherry K. Singla, Advocate
for the petitioner.

Mr.Vikas Kumar, Advocate
for the respondents.

ARCHANA PURI, J.

Challenge in the present revision petition is to the judgment dated 26.04.2017 passed by learned Appellate Authority, whereby, two appeals, filed to assail the eviction order dated 29.01.2015 passed by learned Rent Controller, were dismissed.

For the convenience of discussion, the parties are referred to as petitioner and respondents, as making appearance before learned Rent Controller.

The essential facts, to be noticed, are as follows:-

That, petitioner Naresh Kumari had filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, against the



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respondents for seeking their ejectment from the demised shop, as detailed in the petition.

It was averred that earlier Sh.Amar Lal Nagpal, adopted son as well as Smt.Kailash Devi, daughter of Mukand Lal, were owner of the property No.1677, having an area measuring 1088 square feet, situated at Salemsah Bazar, Fazilka. During the ownership of aforesaid Sh.Amar Lal etc., respondent No.1, came into possession of shop in dispute as tenant, under the landlordship of Sh.Amar Lal Nagpal etc., @ Rs. 150/- per month. In this manner, there was a relationship of landlord and tenant between respondent No.1 and Sh.Amar Lal Nagpal etc.

Also, it was pleaded that Sh.Amar Lal Nagpal etc., had sold the aforesaid property to the petitioner, vide sale deed bearing No.4210 dated 08.01.1996. Thereupon, respondent No.1 had attorned the petitioner as his landlord and became a tenant under the petitioner in the demised shop. Also, it was agreed that the respondent No.1 will pay rent @ Rs. 500/- per month and also started making payment of rent @ Rs. 500/- per month w.e.f., 08.01.1996. In this manner, there came into being relationship of landlord and tenant between petitioner and respondent No.1.

In this backdrop, the petitioner had sought the eviction of the respondents from the demised shop, on the following grounds:-

“a) That the respondent no. 1 is in arrears of rent with effect from 08.01.1997 @ Rs. 500/- per month till date alongwith house tax. The respondent no. 1 has failed to pay the said rent to the petitioner despite repeated demands made by the petitioner to the respondent no. 1 in this behalf. Respondent is



also liable to pay the house tax @ 15% over the rent amount.

b) That the respondent no. 1 transferred the possession in favour of respondent no. 2 without the consent of the petitioner & the respondent no.2 further transferred the possession of the said shop to respondent no. 3. The respondent no.1 totally walked out from the shop in question and the respondent no. 3 open and closes the shop daily and the respondent no. 1 is left with no concern with the possession of the shop in question. Petitioner has come to know from Rajat Kawatra son of Shri Babu Ram that respondent no.1 as well as respondent no. 2 are receiving rent from respondent no. 3 and in the said manner respondent no. 1 has sublet the demised shop in favour of respondent no. 3.

c) That said demised shop is bonafide required by the petitioner for its use by his son Shri Mahinder Partap Dhingra who is an Advocate by profession and is in the need of the said shop for setting up of his office as the said shop is situated very near to their residence. So after setting up of the office by Shri Mahinder Partap Dhingra in the said shop, the said office will practically be the residential office of Shri Mahinder Partap. There is no room in the house of the petitioner or shop or building which can be used as an office by Shri Mahinder Partap Dhingra son of the petitioner. Moreover the petitioner has not relinquished any such property after the commencement of East Punjab Urban Rent Restriction Act, 1949 within the limits of Municipal Council, Fazilka, so the said shop is required by the petitioner for its bonafide need.

d) That the building has outlived its age and is in a dilapidated condition. The said shop is not fit for human habitation. The building is in such a condition that it requires total demolition and reconstruction for use for human habitation.”



Also, it was averred in the petition that the respondents were requested to vacate the demised premises, but to no effect and the same necessitated the filing of the eviction petition.

In pursuance of the notice issued, the respondents made appearance and filed their separate replies.

Respondent No.1, in its reply, raised preliminary objections, thereby, disputing the maintainability of the petition and also challenged the locus standi and cause of action of the petitioner to file the ejectment petition. Also, it was asserted that petitioner is estopped by her own act and conduct from filing the petition, which is an abuse of process of law. The petitioner has not approached the Court with clean hands and that the petition is false and frivolous. On merits, respondent No.1 denied existence of relationship of landlord and tenant between the petitioner and respondent No.1. Rather, it was pleaded that respondent No.1, never remained tenant of petitioner and therefore, there was no occasion for payment of rent @ Rs.500/- per month, as claimed by petitioner. Respondent-Labh Chand got a job in Punjab State Co-Operative Society as Salesman in the year 1989. Ramesh Chander died on 05.09.1989 and therefore, there was no question of respondent No.1 of approaching the petitioner or fixing the rent and the payment of the same. Respondent No.1 has no relation with the demised shop or the petitioner and is not liable to pay any rent or other charges etc. It was also asserted that respondent No.1 never remained tenant of the petitioner and that respondent No.1 has no relation with disputed shop or the petitioner. He never

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transferred possession of demised shop to respondent No.2. It was also denied for want of knowledge that respondent No.2 has transferred the possession of shop in dispute to respondent No.3. As such, a prayer was made for dismissal of the eviction petition.

Even, respondents No.2 and 3, in their separate joint reply, raised various preliminary objections. On merits, they asserted that false facts have been stated in the petition, in order to mislead the court and to seek eviction of the respondents No.2 and 3 from the demised shop. In fact, they pleaded that the demised shop was taken on rent by M/s Ram Chand Bhag Chand, Commission Agents, Fazilka through Choudhary Bhag Chand. The said concern lastly carried on pesticides business in the demised shop. Ram Chand i.e. brother of respondent No.2, was the partner in said concern. After winding up the business of commission agency and pesticides, said Raj Kumar alongwith respondent No.3 (Des Raj) is using the demised shop, as an office, where from they are running their business as Photographers.

Also, it was further denied that respondent No.1 ever took the shop in dispute on rent or there existed relationship of landlord and tenant between Amar Lal and respondent No.1. However, the purchase of the demised shop alongwith adjoining shops and house by the petitioner, as such, was admitted. Further, it was asserted that the petitioner has no right to obtain the possession of demised shop, on the grounds mentioned in petition. It was also denied that respondent No.1 is in arrears of rent @ Rs.500/- per month w.e.f., 08.01.1997. Rather, it was pleaded that M/s Ram Chand Bhag Chand, Commission Agents, Fazilka, had obtained the demised shop on rent

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from Sh.Mukand Lal, even prior to the year 1983. Bhag Chand, partner of the said firm had been paying rent of the demised shop and there is receipt dated 01.01.1990 issued by Amar Lal. House tax, assessment record of Municipal Committee, Fazilka for the year 1974-75 to 1976-77 also depicts the said concern as tenant/occupier under Mukand Lal son of Nihal Chand. Firm M/s Ram Chand Bhag Chand was not in possession of any other shop of Mukand Lal or Amar Lal as tenant. Raj Kumar son of Ram Chand, who is brother of Mangat Ram has been regularly making payment of the rent of the demised shop to Naresh Kumari. Mukand Lal was owner of four shops and a house, at its back. Mukand Lal had rented out the said shops to various tenants.

Bhag Chand, partner of M/s Ram Chand Bhag Chand, Fazilka had authorised respondent No.2-Mangat Ram, to look after and manage its business. Respondents No.2 and 3 are occupying the shop in dispute. As such, a prayer for dismissal of the petition was made.

Issues were framed and evidence was adduced by the rival parties.

On appraisal of the evidence, learned Rent Controller had concluded about there to be relationship of landlord and tenant between petitioner Naresh Kumari and respondent No.1, who was further held to be in arrears of rent. It was also concluded about the tenanted shop to have been handed over to respondents No.2-Mangat Ram and thereafter to respondent No.3-Des Raj and therefore, it was held that ground of 'subletting' was established. Even, learned Rent Controller concluded about

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the ground of 'personal necessity', to be made out for setting up of the office of the son of the petitioner, Mohinder Partap Dhingra, who is a practising Advocate and ultimately, the ejectment order was passed on 29.01.2015.

Feeling aggrieved, respondents No.1 as well as respondents No.2 and 3, filed separate appeals, to assail the eviction order. Learned Appellate Authority, re-appraised the evidence and dismissed both the appeals vide judgment dated 26.04.2017.

Being aggrieved, Mangat Ram has filed the present petition.

Learned counsel for the parties heard.

There is no contest between the parties, on the issue of four shops earlier owned by Sh.Amar Lal Nagpal, adopted son as well as Kailash Devi, daughter of Mukand Lal, to have been purchased by the petitioner Naresh Kumari on 08.01.1996, vide sale deed bearing wasika No.4210.

It is categoric claim of the petitioner that property in dispute, which forms part of property No.1677, was earlier owned by Sh.Amar Lal Nagpal and Kailash Devi and the petitioner purchased the same, vide sale dated dated 08.01.1996. Earlier respondent No.1 was tenant under Sh.Amar Lal Nagpal etc. and after the purchase of the property by the petitioner, respondent No.1 attorned the landlorship of petitioner and after having agreed, started making payment @ Rs.500/- per month, since 08.10.1996. However, respondent No.1, in the reply, had denied the relationship of landlord and tenant, between the petitioner and respondent No.1. Therein, it is categoric claim about M/s Ramesh Pal Labh Chand to have never

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remained tenant of the petitioner. Nowhere in the reply, it is asserted that at any point of time, M/s Ramesh Pal Labh Chand ever remained as tenant of the petitioner in the demised shop or any other shop, owned by Naresh Kumari.

In this context, it is further pertinent to mention that respondent No.1- Labh Chand stepped into witness box and asserted had he had joined the job of Salesman with Punjab State Co-operative Society, in the year 1989. He also deposed that Ramesh Chander had died on 05.09.1989. Though, not specifically stated but by stating the aforesaid version, he meant to say that he had never carried on business in the name and style of M/s Ramesh Pal Labh Chand, at any point of time, as a tenant under the petitioner in the demised shop or any other shop. In this context, it has been observed by learned Appellate Authority that in case, Labh Chand, at any point of time, was the partner in the firm M/s Ramesh Pal Labh Chand or ever worked in such firm, in the demised shop or in any other shop, owned by the petitioner, it was imperative upon him to assert these facts in the reply. However, it was not so done.

Also, further it was asserted that the payment of rent had never been made to the petitioner @ Rs.500/- per month. Even, respondents No.2 and 3 had asserted about respondent No.1 to have never remained tenant of the petitioner, qua the demised shop.

However, learned Appellate Authority discussed threadbare the testimony of Labh Chand on this aspect. Labh Chand had stepped into witness box as RW-1 and his affidavit, tendered in evidence is Ex.RW1/A.

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Therein, he had again never asserted himself to be partner in the firm M/s Ramesh Pal Labh Chand, in the demised shop or in any other shop, belonging to the petitioner. Even, in the cross-examination, this witness, at first instance, stated that he never occupied the demised shop in any capacity. However, in the later portion of the cross-examination, he admitted that before joining the job of a Salesman, in the Society, he was dealing with the fertilizers business, in the name and style of M/s Ramesh Pal Labh Chand and they were four partners, namely, Labh Chand, Ramesh Pal, Wattu Ram and Milk Raj. He deposed that out of them, Ramesh Pal and Wattu Ram, have since died, whereas, he and Milk Raj, are alive.

Further, in the cross-examination, he deposed that the business was being carried out, in the shop adjoining to the shop of Subhash Bagla. Earlier M/s Hari Chand Avinash Chander was occupying the said shop. He is not in knowledge of name of owner of said shop. Their commission agent Satnam Rai of M/s Munshi Ram Satnam Rai firm, had delivered the keys of said shop to them. No rent was fixed because of relations. He did not pay any rent of the said shop. He also further stated in the cross examination, that their firm carried out the business in the said shop for 2½ -3 years. The said disputed shop was situated within a gap of one shop from their shop. He also further stated that M/s Bhag Chand Raj Kumar firm was carrying on business in the said shop. He also deposed that he does not have any document, which may show that their firm was not doing business in the disputed shop, but was doing the business in the shop, situated one shop across it.



Furthermore, he stated that there were four shops of Amar Lal Nagpal out of which, one shop was in possession of Dharam Pal. One shop was in possession of Jagan Nath, son of Milkh Raj. One shop was vacant, the possession of which was given to them and M/s Hari Chand Avinash Chander was carrying on the business in the same earlier. The fourth shop was in possession of Ram Chand Bhag Chand. Further, he had also admitted about the documents Ex.A8 to Ex.A11, which were produced by the petitioner and also stated that all the aforesaid four shops were purchased by Naresh Kumari on 08.01.1996.

He also admitted a suggestion to be correct that presently Des Raj photographer is working in the disputed shop and again said that he just sit in the shop along with Raj Kumar and that Raj Kumar is doing the photography business and that Des Raj is sitting with him, in the disputed shop. He is neither his employee nor his partner.

From the tone and tenor of the cross-examination of RW-1 Labh Chand, it is evident that he remained partner in the firm M/s Ramesh Pal Labh Chand, but an attempt was made to conceal this fact, while filing the reply. It thus reveals that true facts were not asserted in the reply and it could not be believed. In cross-examination he had stated that the demised shop is the one, wherein, firm of respondent No.1, carried on the business, which was earlier with M/s Hari Chand Avinash Chander.

Even, learned Appellate Authority had appropriately made reference to the cross-examination of RW-6 and RW-7, about the occupancy of the demised shop, in which M/s Hari Chand Avinash Chander, did their

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business of commission agency. Even, RW-8 Dharampal deposed about having started working in the shop around 1975-76 and in the year 1975-76, the first shop was with them and the second shop was with Avinash Chander Kalra and third was with Subhash Chander and the fourth shop was with M/s Bhag Chand Ram Chand. Lekh Raj came into possession of the shop No.2, when Avinash Chander Kalra left the business.

From the cross-examination of the witnesses, as detailed aforesaid, it is evident that firm M/s Hari Chand Avinash Chander, in whose possession was one of the shops, owned by the petitioner, subsequently, came forth to be in possession of respondent No.1-firm, of which Labh Chand, was one of the partners and the said shop was purchased vide sale deed dated 08.01.1996 by Naresh Kumari.

However, the aforesaid facts were concealed in the reply. Considering the disclosure not made at first instance, in the reply and thereafter, in the affidavit, tendered in evidence and considering the connectivity being established with M/s Ramesh Pal Labh Chand, having spelt out in cross-examination, learned Courts below, had rightly concluded about the concealment to be there, on the part of respondent No.1.

Learned Appellate Authority had very well appraised the cross-examination of RW-6 Raj Kumar and again examined as RW-7 and RW-8 Dharmapal and thereupon, concluded about firm M/s Hari Chand Avinash Chander, in whose possession was one of the shop, owned by the petitioner, was the one, in which shop respondent No.1-M/s Ramesh Pal Labh Chand, worked with Labh Chand and other partners and it is one of the four shops,

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which the petitioner purchased vide sale deed dated 08.01.1996.

Considering the conduct of Labh Chand, in having made an attempt to conceal the material facts and considering the testimony of attorney holder of the petitioner and other evidence, coming on record, it has been rightly concluded by learned Courts below, about there to be relationship of landlord and tenant between the petitioner and respondent No.1, qua the demised shop.

Though, plea had been taken for the rent assessment entries proved by AW-1 to be false and having fabricated, under the influence of son of the petitioner Naresh Kumari, but however, very appropriately it has been considered that the submissions so made, is devoid of merits as AW-1 Surinder Sachdeva, House Tax Clerk, has been examined, who has deposed about the correction in the entry having made as per factual position existing. He also stated that he had visited the shop, at the time of preparation of assessment for the year 1998-1999 and the person present in the shop, informed him that firm M/s Ramesh Pal Labh Chand, is the tenant in the shop in dispute. Nothing material elicited out, to dislodge the version, so put forth by him.

So far as, exercise of influence by the son of the petitioner is concerned, suffice to make mention that the document Ex.A5, upon which there is alleged cutting, relates to the year 1998-1999 and petition was only filed in November 2012 and this cutting, in these circumstances, could not be believed to have been fabricated, more particularly, considering the testimony of AW-1 Surinder Sachdeva.



So far as, the ownership of the demised shop is concerned, the same, as such, is not disputed, as observed in the earlier portion of the judgment and also the respondents do not dispute about the same. RW-7 Raj Kumar, while facing cross-examination had stated that he did not make the payment of rent to anybody. He also deposed that he asked Mohinder Partap Dhingra to receive rent but he deferred the matter by saying that he is from the same village and will do it later. He also stated that he had already been paying rent to Sh.Amar Lal Nagpal and also placed on record, the receipts for the year 1996. However, he deposed that he is not in possession of the rent receipts after 1996.

Proceeding further, it should be noted that respondents No.2 and 3 had also taken a categorical stand in their reply about firm M/s Ram Chand Bhag Chand to be a tenant in shop in dispute under the petitioner and earlier under Sh.Amar Lal Nagpal etc. However, relating to this assertion, very true, as held by the Court below, there is no satisfactory evidence, coming on record. In fact, RW-6 Raj Kumar stated in cross-examination about Bhag Chand to have taken the shop on rent in the year 1964-1965, by virtue of a written agreement. However, no such written agreement was brought on record. In his cross-examination, RW-6 Raj Kumar had set up the case about Bhag Chand and Ram Chand to have left the tenancy and Mangat Ram and Raj Kumar to have taken the said shop on rent from its owner. However, such an averment is given amiss, in the reply filed by respondents No.2 and 3.

From the testimony of RW-6 Raj Kumar, it stands established that

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even respondents No.2 and 3 have not come out with truth in their reply. Rather, in the reply, it was asserted about M/s Ram Chand Bhag Chand to be a tenant in the shop in dispute. Nowhere, it was asserted that they had left the tenancy of the shop and thereafter, Mangat Ram and Raj Kumar, took the shop on rent from the owner.

Mangat Ram stepped into witness box as RW-9 and he also never stated about himself alongwith Raj Kumar, to have ever taken the demised shop on rent from its owner. Rather, from his deposition, it is evident that firm M/s Ram Chand Bhag Chand took the shop on rent from Mukand Lal Nagpal @ Rs.50/- per month. He also admitted in cross-examination that earlier Amar Lal and Mukand Lal were the owners of the shop and now Mohinder Partap Dhingra is owner of the shop. They had asked 2/3 times for receipt of rent, but the matter was deferred on the ground that they were of the same village.

Considering the testimony of the witnesses, as detailed aforesaid, one thing becomes certain about truth, having not been disclosed and an attempt having made to deny relationship of landlord and tenant between the petitioner and respondent No.1, while riddling with the claim of the petitioner in the present ejectment petition. But somehow, off with the riddle, the relationship of landlord and tenant, between the petitioner and respondent No.1, qua the demised shop, has been appropriately considered to be existing.

On the basis thereof, coming to the grounds of ejectment. First ground is about respondent No.1, to be in arrears of rent @ Rs.500/- per



month w.e.f. 08.01.997 along with house tax. So far as, payment of house tax is concerned, suffice to consider the testimony of Mohinder Partap Dhingra, attorney holder of the petitioner, who stated, while facing cross-examination as AW-2 that he had never paid the house tax, qua the demised shop. Even, the Municipal council has never demanded payment of house tax from the petitioner. So far as, payment of rent is concerned, as observed aforesaid, there was denial of relationship of landlord and tenant, at first instance, which fact is spelt out from the evidence adduced on record. Considering the same, it is to be taken into consideration that Labh Chand admitted in the cross-examination about himself to have worked as a partner in the firm M/s Ramesh Pal Labh Chand and precisely, on this account, very appropriately, learned Appellate Authority had taken into consideration that for proving actual rate of rent, it was required to bring the account books of the said firm on record. However, it was not so done and resultantly, the rate of rent of the demised shop has been correctly considered as Rs.500/- per month.

Learned Rent Controller vide order dated 27.05.2014 had assessed the provisional rent as herein given:-

Rent @ Rs.500/- per month	
w.e.f., 08.01.1997 to 27.05.2014	Rs.1,04,000-00
Interest @6% per annum	Rs. 54,080-00
Cost of the petition	Rs. 2,000-00
Total	Rs. 1,60,080-00

Qua the aforesaid order dated 27.05.2014, Mangat Ram and

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Des Raj had preferred CR No.4428 of 2014, which was decided by this Court and therein, it was held that the impugned order dated 27.05.2014 i.e. with regard to the assessment of provisional rent, would not operate against respondents No.2 and 3, so far as, the ground of non-payment of rent is concerned. In the light of the same, it is pertinent to mention that respondent No.1 had not paid any arrears of rent and therefore, he ought to face the consequences of non-payment of provisional rent, as assessed vide order dated 27.05.2014 and thus, he has been correctly held to be in arrears of rent @ Rs.500/- per month from 08.01.1997 and he had to face the consequential eviction, on the basis of the non-payment, as done by the Courts below.

The second ground pleaded for ejectment is 'subletting' of the shop, at first instance by respondent No.1 to respondent No.2 and then by respondent No.2 to respondent No.3. To establish the subletting, it is incumbent upon the part of the landlord to establish about the parting of the possession of the premises or the part of the premises by the tenant, in favour of sub-tenant and also about the possession of such sub-tenant to be exclusive. Considering both these counts, to be essential to be proved, on the basis of the evidence, brought on record, learned Appellate Court, has rightly concluded about the ground of 'subletting' being made out.

Keeping in the view the pleadings of the petitioner, on this count, it is categoric claim about the denial of relationship of landlord and tenant between the petitioner and respondent No.1 and further denial to be there of respondent No.1, having ever transferred the possession of the shop,

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in dispute to respondent No.2.

Further, respondent No.1, in reply had also denied for want of knowledge about respondent No.2 to have transferred the possession of the shop in dispute to respondent No.3. However, respondents No.2 and 3, in their reply, pleaded about the shop to have been taken on rent by M/s Ram Chand Bhag Chand, Commission Agents, Fazilka, who lastly carried on the business of pesticides, in the shop in dispute. Raj Kumar s/o Ram Chand, who is brother of respondent No.2, was the partner in the said concern. After the winding up of the business of commission agent and pesticides, Raj Kumar together with respondent No.3 Des Raj, was using the demised shop as an office, from where, they were running their business of photography. From the recitals of the aforesaid reply, it is evident that Raj Kumar, son of Ram Chand, who is brother of respondent No.2-Mangat Ram and Des Raj respondent No.3, are in possession of the shop in question. In the reply, nowhere it was pleaded about Des Raj, to be having no concern with the shop in dispute. However, when Des Raj respondent No.3, stepped into witness box as RW-4, he had stated that he is resident of village Salemsah and doing photography work in village for the last 20 years. He also stated that he is not having any shop or studio. However, in this affidavit, he has further stated that Raj Kumar is working as a photographer in the shop in dispute and Mangat Ram is also helping him, as and when required. Also, this witness deposed that he was not having any right in the shop in dispute and has no concern with its possession. These contents of the affidavit Ex.RW4 of Des Raj, are contrary to the contents of the reply of



respondents No.2 and 3, wherein, respondent No.2 Mangat Ram had himself stated about respondent No.3 i.e. Des Raj, to be in possession of the demised shop. Such being the position, also it is relevant to mention that RW-1 Labh Chand, while facing cross examination, admitted about Des Raj photographer, presently to be working in disputed shop, though, subsequently an attempt was made to justify that Des Raj was just sitting with Raj Kumar in the shop in dispute.

Even, respondent No.2-Mangat Ram, in his reply, had not stated about himself to be rendering assistance to his brother Raj Kumar, in business of photography, in the shop in dispute. Rather, he had not stated about being in possession of the shop in question.

Considering the same and also more specifically the testimony of Des Raj, it has been rightly concluded about learned Appellate Authority about respondent No.2 to be aware of the material facts, vis-a-vis, shop in question, only on account of his being in actual possession of the shop. Even, RW-6 Raj Kumar, admitted about Des Raj photographer to be working in the demised shop at present and the possession, having handed over to Des Raj by respondent No.2.

Even, RW-8 Dharampal admitted that Des Raj photographer is working in the demised shop. Even though, in the reply respondent No.2-Mangat Ram stated about his brother Raj Kumar and respondent No.3-Des Raj to be in possession of demised shop, but while facing cross-examination, said RW-9 Mangat Ram denied about his brother to be working as photographer, in the shop in dispute. Thus, from the aforesaid

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testimonies, one thing is evident that respondent No.2 had never taken demised shop on rent from the petitioner or any other person and it has been appropriately concluded by learned Courts below about M/s Ramesh Pal Labh Chand to have handed over the possession of the demised shop to respondent No.2-Mangat Ram, who further handed over the possession to respondent No.3, without consent of the petitioner.

Precisely, on this account, the ground of 'subletting', as such, stands amply established.

The next ground pleaded for seeking ejectment is about 'bonafide requirement' of the demised shop for the use of the same by son of the petitioner landlady, namely, Mohinder Partap Dhingra, who is a practising Advocate. Suffice to make mention that there is no evidence, coming on record, about the petitioner to be owner of any other shop or house, except the shop in dispute and there is categoric testimony of the 'need' of Mohinder Partap Dhingra. Considering the same and also taking into consideration, the fact of landlord to be the best judge of his requirement, it has been correctly concluded about the demised shop to be required by the petitioner, to be used as office by her son Mohinder Partap Dhingra.

Last ground for seeking ejectment is with regard to the building having become 'unfit and unsafe for human habitation'. However, on this count, no evidence, much less satisfactory evidence, has been led by the petitioner. Consequently, learned Courts below, rightly denied this ground of eviction.



Anyhow, considering the evidence, as detailed aforesaid, the three grounds, vis-a-vis, ‘arrear of rent’, ‘subletting’ and ‘personal necessity’, as pleaded by the petitioner, do stand amply established.

In the light of the same, the affirmatory orders passed by learned Courts below, do not warrant interference by this Court. Hence, the revision petition sans merit and is hereby dismissed.

September 27, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No