

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 774 of 2022 (O&M)

Date of Decision: 24.01.2024

Heera Singh

... Petitioner(s)

Versus

Baljit Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Aashna Gill, Advocate
for the petitioner(s).

Mr. B.S.Bhalla, Advocate
for the respondents.

Anil Kshetarpal, J.

1. In this revision petition, the tenant assails the correctness of the eviction order passed concurrently by the Rent Controller, which , in appeal, has been affirmed by the Appellate Authority.
2. The eviction of the petitioner has been ordered on the ground of personal necessity of the landlord, who wishes to expand his business as his son has joined.
3. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.
4. The learned counsel representing the petitioner has submitted that the respondent-landlord, while filing the petition, has concealed the material facts from the Court as he is in possession of another shop-cum-godown and the first floor of the tenanted premises. She submits that as per

(hereinafter referred to as “the 1949 Act”), the tenant is required to disclose this fact.

5. On the other hand, the learned counsel representing the respondent submits that another shop is at a distance of three to four minutes and the same cannot be used for expanding the existing business. It has been pointed out that the landlord is already doing the business of electronic goods in the shop adjoining to the shop in possession of the tenant. He submits that the first floor of the tenanted premises is also being used for running the same business, however, for display of the electronic goods, some space is required. He further submits that the godown cannot be used for displaying the goods.

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

7. In fact, the full Bench of this court in ***Banke Ram v. Smt. Saraswati Devi 1977 (1) RCR (Rent) 595***, has explained the requirements of Clause (b) and (c) of 13(3)(a)(i) of the 1949 Act. Ultimately, the Court came to a conclusion that when these facts have come on record and examined by the Court, the petition will not be dismissed on the ground of failure to disclose this fact particularly when the tenant has not suffered any prejudice.

8. In ***Civil Revision No. 6665 of 2016 (M/s Vishal Sarees and Dresses and Another v. Maninder Kaur and Others)*** and the other connected cases, this court, after examining the judgment of the Full Bench of this Court and the other judgments, held that once the aforesaid facts have come on record and examined by the Court, the Revisional Court shall not dismiss the petition only on the ground of concealment of the facts.

9. In this case, the respondent is alleged to be in possession of another shop, godown as well as the first floor of the tenanted premises. However, it has come on record that the adjoining shop as well as the first floor are already being used for running the business. If the landlord and his family members wish to grow by expanding their business, their necessity is bonafide. While considering the provisions of the 1949 Act, the Court is not expected to become hurdle in the growth of the landlord's business. The provisions of the 1949 Act are required to be interpreted in accordance with the changing time. The Court is required to examine the bonafide requirement from a common man's perspective. In this case, the landlord is already running the business of electronic goods from the adjoining premises to the tenanted premises. If he wishes to expand his business, he needs the adjoining premises as well. Hence, another shop, which is at a distance, is not suitable to his requirement. The first floor is being used for business. The godown cannot be used for display of goods.

10. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent orders passed by the Rent Controller as well as the Appellate Authority. Hence, the present revision petition is dismissed.

11. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 24, 2024
"DK"

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No