

137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3440-2022(O&M)

Date of decision :11.01.2024

M/s Friends Tent House
through its proprietor

...Petitioner

Vs.

Principal DAV College, Ambala City
and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yogesh Saini, Advocate
for the petitioner.

Mr. Rajiv Kataria, Advocate and
Ms. Dolly Shivani, Advocate
for the respondents.

ANIL KSHETARPAL, J.

1. The petitioner (tenant) herein, assails the correctness of concurrent orders of his eviction passed by the Rent Controller which in appeal has been affirmed by the appellate authority. The respondents are running an Educational Institution (College) in Ambala City. The rent petition under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 was filed by the Principal of the College as well as the DAV College Managing Committee. The eviction was sought on the ground of *bona fide* requirement as the strength of children had increased and new courses were required to be introduced for the development of the College. While contesting the petition, the petitioner denied the relationship of landlord and tenant between the Managing Committee and him. As noticed, both the Courts ordered eviction as the Managing Committee was successful in proving its *bona fide* requirements

for requiring the premises.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. Learned counsel representing the petitioner contends that the property is owned by the DAV College, Managing Committee and the Principal of the College failed to prove its authorization to file the petition. He submits that a self-attested copy of the resolution passed in the year 1983 was produced, which is not proved in accordance with the provisions of the Evidence Act.

4. On the other hand, learned counsel representing the respondent submits that the petitioner admits that the tenanted premises was leased out in his favour by the Principal of the College. He further submits that Ex.P-3 is a general resolution passed by the Managing Committee authorizing its Principal to file and defend suit/petitions.

5. This Court has considered the submission at the cost of repetition. It is evident that the petition has been filed not only by the Principal but also by the DAV College Managing Committee. In any case, the resolution Ex.P-3 was passed by the Managing Committee of the College. Furthermore, the institution is required to be represented by a human being. Principal of the College is a person of stature. Moreover, it is not the case of the petitioner that the Managing Committee was not interested in filing the petition. The petition has been filed for the benefit of an educational institution. The argument of the learned counsel representing the petitioner raises a highly technical objection, which cannot be used to defeat the ends of substantive justice. Reliance in this regard can be placed on the judgment of Hon'ble the Supreme Court in 'United

Bank of India Versus Naresh Kumar and others’, (1996) 6 SCC 660.

6. In view of the aforesaid facts, no ground for interference is made out.
7. Hence dismissed.

11.01.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No