

2024:PHHC:029858

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

**CR No.7482 of 2019 (O&M)
Date of Decision: 01.03.2024**

Sandeep Jindal

...Revisionist-Petitioner

Versus

Ajudhya Sagar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. Kapil Aggarwal, Advocate
for the revisionist-petitioner.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Sandeep Singh, Advocate
for respondents No.1 to 3.

Service of notice upon proforma-respondent No.4
dispensed with vide the order dated 15.01.2024.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order handed down by learned Rent Controller, Ludhiana on 10.01.2019, whereby the Rent Petition, as filed by respondents No.1 to 3-landlords (here-in-after to be referred as 'the landlords') for seeking eviction of the petitioner and proforma-respondent No.4 from the demised premises, had been allowed on the ground that they (landlords) *bona-fidely* required these premises for their own use and the petitioner and proforma-respondent No.4 had been granted 02 (two) months' time to hand over the physical possession of the above-mentioned premises to the landlords and also by the judgment as passed by learned Appellate Authority, Ludhiana on 26.08.2019, qua dismissal of the Appeal

moved by the petitioner against the afore-referred eviction order, he (petitioner) has preferred this revision-petition to lay challenge to the same.

2. Shorn and short of unnecessary details, the facts, as emerging from the perusal of the record and culminating in the filing of the present revision-petition, are that the landlords filed the above-said Rent Petition against proforma-respondent No.4 and the petitioner (arrayed as respondents No.1 and 2 respectively, therein) for seeking their eviction from the demised premises on the grounds that proforma-respondent No.4 was in arrears of rent for the period from 16.09.2004 to 15.01.2012 and had also not paid the house-tax w.e.f 01.06.2004 onwards and he had sub-let these premises to the petitioner without their consent and moreover, landlord Gorakh Nath and the sons of landlords Ajudhya Sagar and Ramesh Kumar required the said premises for starting/setting up their business in the same.

3. It is pertinent to mention here that proforma-respondent No.4 had chosen to be proceeded against *ex-parte* before the Rent Controller. However, the petitioner filed his written-statement, contesting the claim of the landlords therein, *inter-alia*, on the grounds that the demised premises were, initially, rented out to his father who expired in the year 2004 and thereafter, he had been carrying on the business in the afore-said premises and had, regularly, been paying the rent to landlord Gorakh Nath and thus, he was a tenant and the landlords did not require these premises for their own use and rather, in fact, they had filed the Rent Petition as they had been insisting/pressurizing him for increasing the rate of rent exorbitantly but due to the slump in his business, he was not in a position to enhance the same accordingly.

4. The parties were put to the trial by framing the issues on 14.01.2013. After appreciating and evaluating the evidence, as led by the landlords and the petitioner on the record and hearing their respective counsel, the Rent Controller allowed the Rent Petition and ordered for the eviction of proforma-respondent No.4 and the petitioner from the demised premises on the ground that the landlords required these premises for their *bona-fide* personal use but observed that the ground of non-payment of the arrears of rent had become redundant and also rejected the ground, as set-forth by the landlords qua the sub-letting of the said premises. The petitioner moved an Appeal against the above-referred eviction order and the landlords also filed their Cross-Objections to assail the findings, returned by the Rent Controller qua the rejection of the pleas, as raised by them regarding the non-payment of arrears of rent and the sub-letting of the demised premises and vide the impugned judgment, the Appellate Authority has dismissed the afore-mentioned Appeal and the Cross-Objections.

5. I have heard learned counsel for the revisionist-petitioner as well as learned Senior counsel for respondents No.1 to 3-landlords in the instant revision-petition and have also perused the record carefully.

6. Learned counsel for the petitioner has contended that petitioners Ajudhya Sagar and Gorakh Nath had been running the Ration-Depot and moreover, the landlords had let-out several other properties to various tenants and he has further contended that the plea, as taken by the landlords regarding the demised premises having, actually, been let-out to proforma-respondent No.4 and his having sub-let the same to the petitioner, has been rejected by the Rent Controller and the Appellate Authority and

all these facts make it quite explicit that their (landlords') plea/ground qua the requirement of the demised premises for their *bona-fide* personal use, is not a genuine one.

7. Per-contra, learned Senior counsel for the landlords has argued that the sons of landlords Ajudhya Sagar and Ramesh Kumar have already completed their education and hence, the landlords intend to start/set-up the business for them in the demised premises, so as to enable them to become self-sufficient to earn their livelihood and moreover, landlord Gorakh Nath also wants to start the business and therefore, they (landlords) *bona-fidely* require these premises for the above-said purpose and hence, the impugned order passed by the Rent Controller regarding the eviction of the petitioner from the demised premises on the afore-discussed ground and the judgment rendered by the Appellate Authority for upholding the same, are perfectly legal and correct.

8. As regards the contention qua landlords Ajudhya Sagar and Gorakh Nath having been running Ration-Depots, the same does not hold much water as PW-2 Harish and PW-3 Satish Kumar, the sons of landlords Ajudhya Sagar and Ramesh Kumar, made categorical depositions regarding the *bona-fide* requirement of the demised premises for setting-up/starting their business in the same. It is quite natural for the above-named landlords, being the parents, to make best possible endeavours to settle their children in life, by facilitating them to become financially independent and it being so, there is nothing wrong if they want/plan to start a separate business for their sons, for this purpose and landlord Gorakh Nath can also not be deprived of the opportunity to expand his business. Moreover, Hon'ble Supreme Court

has also specifically observed in **Anil Bajaj & Anr versus Vinod Ahuja, AIR 2014 Supreme Court 2294** that “it would hardly require any reiteration of the settled principle of law that it is not for the tenant to dictate to the landlord as to how the property belonging to the landlord should be utilized by him for the purpose of his business and also, the fact that the landlord is doing business from various other premises cannot foreclose his right to seek eviction from the tenanted premises so long as he intends to use the said tenanted premise for his own business”.

9. So far as the contention regarding the landlords having let-out several other properties to various tenants is concerned, it is worth-while to point it out here that throughout in his written-statement, the petitioner has nowhere even whispered about this fact. Even otherwise, the Appellate Authority has made categorical observations in Para No.11 in the impugned judgment that though some documents had been marked on the record to establish the afore-said fact but the properties, as mentioned therein, were the residential quarters/rooms and no convincing evidence had been led to prove that any other commercial property was occupied/owned or was got vacated by the landlords. The petitioner has not been able to show as to how these observations are factually wrong or are perverse in any manner. In **Bhupinder Singh Bawa versus Asha Devi, 2017(2) R.C.R. (Rent) 1**, it has been observed by the Apex Court that “mere fact that the son of respondent-landlady is engaged as Director in a family company, cannot be an impediment to his running an independent business and if no alternative premise was lying vacant for his running the business, it is open to her to choose a more suitable premises for carrying on the business by

her son and she cannot be dictated by the tenant as to from which shop her son should start his business". In view of these observations, it becomes crystal clear that it is for the landlords to choose as to where they intend to set-up/start their new business or to expand their business.

10. As regards the last contention about the grounds of sub-letting and non-payment of arrears of rent having been rejected, the same can, by no stretch of imagination, be construed to be cogent one to paint the entire evidence, as led by the landlords on the record to substantiate their plea qua their *bona-fide* necessity for the demised premises, with black colour and to reverse/upset the unequivocal concurrent findings, as returned by the Rent Controller and the Appellate Authority, to the effect that they (landlords) require these premises for their own *bona-fide* use.

11. As a sequel to the fore-going discussion, it follows that the impugned order and the judgment, handed down by both the Courts below, do not suffer from any illegality, infirmity, irregularity or perversity, so as to warrant any interference by this Court. Resultantly, the same are upheld and the revision-petition in hand, being *sans* any merit, stands dismissed.

01.03.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes