

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.7072 of 2023

Date of Decision: 03.04.2024

Bharat Bhushan

...Revisionist-Petitioner

Versus

Rajiv Kumar

...Respondent

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

Present:- Mr. Sandeep Arora, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.

By filing this revision-petition, the petitioner-tenant (here-in-after to be referred as 'the tenant') has assailed the order passed by learned Rent Controller, Nakodar on 01.11.2019, whereby the Rent Petition, filed by the respondent-landlord (here-in-after to be referred as 'the landlord') for seeking his (tenant's) ejectment from the demised shop, was allowed and he had been directed to hand over the vacant possession thereof to the landlord within sixty (60) days from the date of the afore-said order and he has also laid challenge to the judgment, handed down by learned Appellate Authority, Jalandhar on 06.04.2023, dismissing the appeal moved by him against the above-mentioned ejectment order.

2. Bereft of unnecessary details, the facts, as emerging from the perusal of the file and resulting in the filing of the present revision-petition, are that the landlord filed the afore-referred Rent Petition against the tenant for seeking his ejectment from the demised shop on the grounds of non-

payment of the rent and *bona-fide* requirement thereof for his personal use. The tenant filed his Reply, contesting the claim of the landlord therein, on various grounds. The landlord filed his Rejoinder and then, the parties were put to the trial by framing the issues and after appreciating and evaluating the evidence as adduced by them on the record and hearing their respective counsel, the Rent Controller passed the order for the ejectment of the tenant from the demised shop on the ground that the landlord required the same for his *bona-fide* personal use and occupation and the appeal, moved by the tenant against the above-said ejectment order, has also ended in dismissal, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the petitioner-tenant in the instant revision-petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the tenant contends that the landlord was already running a shop of electrical goods at Shahkot and this fact makes it explicit that the plea of the landlord qua the *bona-fide* requirement of the demised shop for his personal use, i.e for running the business therein, is not genuine at all and in these circumstances, the afore-referred ejectment order as well as the judgment are not legally sustainable and hence, the same deserve to be set-aside.

5. However, the above-raised contention is devoid of any merit because both the Courts below have concurrently held that the tenant had not been able to prove/establish his version regarding the landlord having been running any shop at Shahkot. The tenant has failed to come forward with any cogent and convincing ground/reason to show as to how the afore-

discussed findings are factually or legally incorrect or are perverse in any manner. Even otherwise, Hon'ble Supreme Court has specifically observed in **Anil Bajaj and 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"*.

6. 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.

03.04.2024
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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