



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

119

CR-1931-2025 (O&M)

Date of Decision.:28.03.2025

Santosh Kumar

.....Petitioner

Vs.

Pritam Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naresh Prabhakar, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein was tenant-respondent before learned Rent Controller, Ludhiana. Petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 as filed by the landlord Pritam Singh (*respondent herein*), seeking ejectment of the tenant Santosh (*petitioner herein*) from the demised shop described in head-note of the petition, was allowed by learned Rent Controller vide order dated 30.04.2019, mainly on the ground of bona fide necessity of the landlord. The said ejectment order as passed by the Rent Controller was upheld by learned Appellate Authority, in the appeal filed by the tenant-petitioner herein, by way of order dated 31.01.2025, thus dismissing his appeal.

2. Assailing the aforesaid concurrent findings, it is contended by learned counsel for the petitioner-tenant that Courts below have failed to appreciate the evidence on record correctly. Learned counsel has contended that only motive of the landlord was to enhance the rent and he did not have the genuine necessity for the demised shop. Learned counsel has referred to the document Ex.RZ, which was produced by the tenant in



his evidence. Ex.RZ was a copy of compromise, which was effected in a rent petition filed by the landlord against another tenant namely M/s Om Trading Company and as per the said compromise, the landlord had made the statement that the ground of personal necessity for his daughter Sukhjit Kaur was taken to put pressure upon the tenant to recover arrears of rent. Learned counsel contends that the conduct of the tenant as evident from this compromise Ex.RZ, though effected in another ejectment petition, reveal that he simply wanted to put pressure upon the tenant to increase the rent and did not require the demised premises for his genuine necessity.

3. This Court has considered submissions of learned counsel and has carefully gone through the orders as passed by learned Rent Controller and as affirmed by the Appellate Authority.

4. It has been correctly noticed by the Appellate Authority that compromise Ex.RZ had been effected by the landlord with another tenant M/s Om Trading Company because ejectment in that case was sought for the bona fide necessity of the widowed daughter of the landlord and as necessity had come to an end, so the compromise was effected and for this reason, no inference can be drawn that in the present case, landlord did not require the demised shop for his bona fide necessity.

5. It is also contended by learned counsel for the petitioner-tenant that landlord had not given details of all the properties. The said contention was also duly considered by the learned Appellate Authority and it was found that landlord had clearly stated himself to be owner of the main property i.e. B-29-52, of which the demised shop was a part. The tenant had utterly failed to produce any evidence that except the aforesaid property bearing B-29-52, of which the demised shop is a part, the landlord was owner or in occupation of any other property.



6. The evidence produced on file by the landlord and as duly discussed by the Courts below reveal that the landlord was earlier running his factory of auto parts under the name and style of M/s Avon Auto Industries. Due to medical problems, he had to close that factory, as he was advised not to do any heavy work and therefore, he wanted the demised shop to start his own business of trading of hardware in the tenanted premises after getting it vacated from the tenant. Once the cogent evidence has been produced by the landlord in this regard, tenant cannot dictate to the landlord, as to whether he should indulge in the said business or not. The tenant has failed to produce any cogent evidence to rebut the bonafide need of the landlord.

7. On account of the entire discussion as above, this Court does not find any perversity or illegality in the concurrent findings of facts as recorded by the Courts below, holding the petitioner-tenant liable to be ejected from the demised shop on account of bona fide necessity of the landlord.

No merits. Dismissed.

All the miscellaneous application(s), if any, stand disposed of.

(DEEPAK GUPTA)
JUDGE

March 28, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No