



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
242 **CR-6586-2017 (O&M)**
Date of decision: 17.02.2025

Charanjit Singh

...Petitioner(s)

Vs.

Ram Murti Duggal

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Anil Chawla, Advocate
for the petitioner.

NIDHI GUPTA, J.

The tenant has filed the present Revision Petition against the concurrent orders of the Id. Courts below: challenging the order dated 26.11.2014 passed by the Id. Rent Controller whereby application filed by the respondent-landlord under Section 13 of the East Punjab Urban Rent Restriction Act III of 1949 (hereinafter referred to as "the Act") for ejection of the petitioner-tenant from the demised premises, has been allowed and the petitioner was directed to vacate the said premises within two months; **and** the impugned order dated 02.02.2017 passed by the learned Appellate Authority dismissing the appeal filed by the petitioner.

2. At the very outset it may be pointed out that even though the present petition pertains to the year 2017, notice has not yet been issued as the matter has been adjourned several times either due to the non-appearance of or due to the request for adjournment made by learned counsel for the petitioner.



3. Be that as it may, Ld. Counsel for the petitioner assails the concurrent findings of the learned Authorities below by submitting that the rent petition of the landlord has been allowed only on ground of alleged bona fide personal necessity. It is submitted that, however, no bona fide personal necessity of the respondent is made out from the record. It is submitted that the respondent has misled the Courts below. It is submitted that the evidence led by the petitioner in this respect, has been disregarded and misread. It is contended that the respondent has also got other commercial properties in respect of which he has filed separate eviction petitions. Another ejectment petition has been filed by the respondent against M/s IBM Traders and that premises has to be used as shop. However, this fact has not been considered when passing the impugned orders. It is accordingly prayed that the impugned orders be set aside.

4. No other argument is made on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in great detail.

6. Brief facts of the case are that father of the petitioner was inducted as tenant in the demised premises in the year 1969 at a monthly rent of Rs.90/-. Subsequently, the tenancy was changed orally in the name of the respondent-landlord with rent at the rate of Rs.125/- per month by way of accepting cheque of rent amount issued by petitioner/tenant in the name of respondent-landlord. It was further



orally settled that rent will be increased at the rate of Rs.50/- per month after every three years. Petitioner used to pay the rent through cheque. On 30.03.2010, at the time of filing of the application under Section 13 of the Act, the rate of rent was Rs.425/- per month. The respondent sought eviction of the petitioner on grounds of: a) arrears of rent; b) Petitioner has made material alteration in the shed and has constructed one permanent room without shed without permission of respondent-landlord; and c) Bona fide personal necessity.

7. Vide order dated 26.11.2014 the Rent Controller Allowed eviction petition of respondent/landlord with costs. The rent assessed had already been tendered without protest, thus, this ground of ejectment on account of arrears of rent became infructuous. The Issue regarding material alteration in the demised premises was not pressed by the landlord. It was further found that the Premises in dispute were required by the grandson of the respondent-landlord. Accordingly, the rent petition of the landlord was allowed by the learned Rent Controller on grounds of bona fide personal necessity. The appeal filed by the petitioner was dismissed by the learned Appellate Authority, vide order dated 2.2.2017, thereby affirming the findings of the learned Rent controller.

8. The record reveals that it is the consistent and categorical case of the respondent-landlord that he requires the demised premises/shed for the occupation and bona fide need of his grandson



Vikram Duggal to use as godown for the storage of shoes and other material for selling at its retail showroom to be started at the premises/shops in possession of IBM traders who are tenant of the wife of the respondent namely Bimla Devi. Admittedly, said Bimla Devi had already filed ejectment application on ground of bona fide requirement against IBM Traders, which was allowed during the pendency of the present proceedings. AW2-Vikram Duggal/grandson of the respondent had stated in his evidence that he has passed BCA and does not want to continue his study further. He also deposed that he had been assisting his father in his shoe business.

9. It is by now a well settled legal proposition that the landlord is the best judge of his own requirement. The petitioner has not been able to show anything to this Court to controvert the concurrent findings of the learned Authorities below, or to dispute the above facts and findings.

10. In view of the above, the present petition is **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

17.02.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No