



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

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RSA-2231-2025 (O&amp;M)

Date of Decision: 07.07.2025

JASPAL SINGH

. . . . APPELLANT

Vs.

THE GILL AGRI MULTI PURPOSE, COOPERATIVE SOCIETY LTD.

. . . . RESPONDENT

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Sandeep Kumar, Advocate, for the appellant.

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**DEEPAK GUPTA, J. (ORAL)**

Defendant of the suit is before this Court in the present Regular Second Appeal against the concurrent findings of the Courts below.

2. Though notice of motion has not been issued in this case, but Mr. N.K. Vadhera, Advocate, has put in appearance and filed his power of attorney on behalf of the respondent.

3. Heard. It is not disputed that plaintiff (*respondent herein*) is owner of the shop in question, wherein the defendant (*appellant herein*) was inducted as the tenant. Plaintiff filed the suit submitting that by way of resolution dated 23.04.2015, Avtar Singh and others were authorised to initiate the proceedings for vacation of the shop from defendant and consequent thereto, legal notice dated 13.05.2015 was served upon the defendant, as plaintiff-society required the shop for its own purposes. Defendant resisted the suit on the ground that plaintiff did not require the shop; that they wanted to let it out on higher rate of rent; and that he (*defendant*) was regularly paying the rent.

4. Trial Court decreed the suit on 18.12.2017 and the findings have been affirmed by the First Appellate Court on 07.05.2025.

5. Assailing the concurrent findings, it is contended by learned counsel that plaintiff-respondent could not prove its *bona fide* necessity and therefore, there was no justification for ordering the ejection.

6. There is merit in the contention. It was not a petition filed under the provisions of Rent Act, whereunder, strict requirements of bona fide personal necessity on the part of the landlord are required to be proved. It was a case seeking possession based upon title, filed under the provisions of Transfer of Property Act and as such, it was not required for the plaintiff-respondent to prove any legal necessity for vacation of the demised shop.

7. After going through the judgments passed by the Courts below, this Court does not find any ground calling for any interference therein as the same are found to be based on proper appreciation of evidence available on record.

8. As such, holding the present appeal to be devoid of any merit, the same is hereby dismissed.

**(DEEPAK GUPTA)**

**JUDGE**

**07.07.2025**

*Vivek*

Whether speaking/reasoned	: Yes
Whether reportable	: No