

## Embrocia Hatcheries (P) Ltd. Vs Sudesh Sethi

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Feb. 10, 2014

**Acts Referred:** East Punjab Urban Rent Restriction Act, 1949 " Section 13

**Citation:** (2014) 2 RCR(Rent) 483

**Hon'ble Judges:** Sabina, J

**Bench:** Single Bench

**Advocate:** Baljinder Singh, Advocate for the Respondent

### Judgement

Sabina, J.

Respondent had filed petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 seeking ejectment of the

petitioner from the premises in question on the grounds on personal necessity and arrears of rent. The case of the respondent, in brief, was that the

premises in question had been rented out to the petitioner at a monthly rent of Rs. 1,000/- in the year 1995. The rate of rent was increased to Rs.

3850/- per month with increase of 30% after expiry of every two years as the petitioner had taken some more portion of the premises on rent.

2. Petitioner, in its written statement, admitted the relationship of landlord and tenant between the parties and the rate of rent. However, the other

contentions in the ejectment petition were denied.

3. On the pleadings of the parties, following issues were framed by the Rent Controller:-

1. Whether the petitioner is entitled to seek eviction of the respondent from the demised premises on the ground as prayed for? OPP

2. Whether the present petition is bad for partial ejectment of the respondent? OPR

3. Whether the petition is false and frivolous? OPR

4. Whether the petition is bad for misjoinder of parties? OPR

5. Relief.

4. The Rent Controller vide order dated 21.2.2011 allowed the ejectment petition. The said judgment was upheld by the Appellate Authority vide

judgment dated 9.12.2013. Hence, the present petition by the petitioner-tenant.

5. I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

6. In the present case, respondent had sought ejectment of the petitioner on the grounds of personal necessity and arrears of rent. However, during

the pendency of the ejectment petition, petitioner made up the deficiency in arrears of rent. So far as the ground of personal necessity is concerned,

the case of the respondent was that he required the demised premises for his wife as she wanted to run a boutique in the said premises. In this

regard, respondent himself appeared in the witness box and deposed with regard to contents of the ejectment petition. It is a settled proposition of

law that the landlord is the best judge qua his needs. The case of the landlord is that he required the premises in question as his wife wanted to run

a boutique in the said premises. There is no occasion to doubt the statement of the landlord in this regard. In the present case, the ejectment

petition was filed on 12.6.2003. The wife of the landlord had closed the business on 19.9.2006 after running the same for 2/3 years. The said fact

in itself is not sufficient to establish that the need of the landlord was not genuine. After the landlord gets the vacant possession of the premises in

question, the wife of the landlord can run the business in the same. Moreover, as per Section 13 of the Act, protection has been given to the tenant

that in case the landlord fails to occupy the premises in question within the stipulated period or rents out the same to another tenant, then evicted

tenant can apply for restoration of possession to the Rent Controller. In the facts and circumstances of the present case, the Courts below had

rightly allowed the ejectment petition filed by the respondent. No ground for interference is made out.

Dismissed.