

Smt. Sumitran Devi Vs. Bilu Ram

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Court : Punjab and Haryana

Decided On : Jan-19-2005

Reported in : (2005)141PLR664

Judge : Kiran Anand Lall, J.

Acts : [East Punjab Urban Rent Restriction Act, 1949](#) - Sections 13 and 15(5)

Appeal No. : Civil Revision No. 1769 of 1992

Appellant : Smt. Sumitran Devi

Respondent : Bilu Ram

Advocate for Def. : S.C. Chhabra, Adv.

Advocate for Pet/Ap. : Gaurav Chopra, Adv.

Disposition : Revision dismissed

Judgement :

ORDER

Kiran Anand Lall, J.

1. This revision under Section 15(5) of the [East Punjab Urban Rent Restriction Act, 1949](#) (for short, 'the Act') is directed against the judgment dated 25.3.1992 of the Appellate Authority (exercising the powers under the Act) allowing appeal of

Bilu Ram respondent (landlord) against the order dated 16.2.1990 regarding dismissal of his ejectment petition under Section 13 of the Act by the Rent Controller.

2. The respondent herein had sought ejectment of the petitioner on two grounds, viz, non-payment of rent and personal necessity. Facts pleaded by the parties in respect of the ground of non-payment of rent, need not be stated here, as the Rent Controller and so also the Authority under the Act recorded finding with regard thereto, in favour of the petitioner herein. In so far as the other ground, viz. of personal necessity, is concerned, case of Billu Ram is that his family consists of seven members, viz. self, wife and five children. The premises in possession of his family consist of only one room and a kitchen. His children have since grown up and as such, they require separate accommodation for studies. He, therefore, pleaded that he is in bona fide need of the room which is at present in the occupation of the petitioner and was initially let out to latter's husband (since deceased) somewhere in the year 1979 when his (of respondent) children were small. He further pleaded that he does not own or possess any other residential house, nor he had ever vacated any such house, without any reasonable cause, after the commencement of the Act.

3. Sumitra Devi admitted the relationship of landlord and tenant between the parties but denied the claim of bona fide requirement of Bilu Ram. She further pleaded that initially the portion under her tenancy consisted of two rooms but after the death of her husband, she relinquished her tenancy rights in respect of one room, in favour of Bilu Ram. According to her, the family of Bilu Ram is, therefore, in possession of two rooms (and not one), at present. It was further pleaded that Ram Chander, father of Bilu Ram, was owner of five houses bearing Nos. 276 to 280 situate in Street No. 3, Ferozepur Cantt, and after his death, his legal heirs including Bilu Ram are joint landlords of all those houses and they have been letting out those to different persons, at different times.

4. The Rent Controller held that the petitioner was not in bona fide need of the tenanted premises. The Appellate Authority having upset this finding and having consequently ordered ejectment of the petitioner, she filed the present revision.

5. After having heard arguments addressed by the learned Counsel for the parties with regard to the finding of Appellate Authority on the ground of bona fide personal necessity and having gone through the records, I do not find any merit in the revision.

6. At the very outset, it may be mentioned that though in the written statement, the petitioner tenant had pleaded that the respondent (along with his brothers), owns houses No. 277 to 280, Street No. 3, Ferozepur Cantt. also, she did not refer to any such fact in her deposition, as RW-1, before the Rent Controller. That being so, she cannot be heard to say that respondent owns or possesses some other residential property also, besides the house in question, bearing No. 276, Street No. 3, Ferozepur Cantt.

7. Undisputedly, the respondent has a large family, consisting of seven members, and there are only two rooms (besides a verandah), in their occupation. The room which is in possession of the petitioner had been earlier let out to her husband (since deceased), long back viz. in the year 1979. The children of the respondent have grown up by now and as such his claim that he requires more accommodation for them, for their studies, etc., appears to be bona fide. It was contended that the petitioner-tenant also has a large family. Well, this is no ground to disallow the ejectment petition of the landlord.

8. No doubt, the petitioner and his family have been living in the tenanted premises for the last about 25 years, and it was pleaded that they would face lot of inconvenience if they are asked to vacate the same. But, as rightly observed by the Appellate Authority, this is no ground for denying the rightful claim of the petitioner to get the premises vacated on the ground of his bona fide requirement.

There is, thus, no merit in the revision which shall, therefore, stand dismissed, leaving parties to bear their own costs.