

landlord along with Sh. Rajender Kumar Sharma and Sh.Radhey Sham Gupta. Later on other two co-owners executed release deed in his favour and he became the sole owner.

3. Leave to defend in this case was allowed on the basis of concession given by counsel for the landlord and parties led their evidence on their respective stands.

4. The tenants took stand that there was no relationship of landlord and tenant. The property was let out for composite purpose, i.e., residential-cum-commercial. The landlord was having sufficient residential accommodation in property no. 2680, Churiwalan, Delhi where he was presently living and this was a family property.

5. The learned ARC after considering the evidence of both the parties observed that in view of the counter foil of the rent receipts issued by previous landlord (ex.PW-1/13 to PW-1/18) in favour of the tenant and the title deed produced by the landlord and the money order receipt (ex.PW-1/19) by which rent was sent to the present landlord, the ownership of the present landlord and the relationship of landlord and tenant was sufficiently proved.

6. The learned ARC also considered the evidence regarding letting purpose and found that the tenants/respondents no. 1 and 2 had been living in the premises with their wives and children. The water connection, house tax bill and all other documents proved by the landlord showed that the premises was only being used for residential purpose. The families of both the tenants were so large that it was not possible to use the premises for any other purpose except living purpose.

7. The learned ARC also found that the accommodation in possession of the landlord was a rented accommodation and it consisted of only one living room, two small store rooms inside the living room. He considered the documents placed on record namely Ration Card (ex. PW-1/26), admission slip of daughter and house tax bill in the name of actual owner. He also considered certified copy of judgment (ex.PW.1/31) in a suit no.148/99 for permanent injunction showing that the landlord herein was a tenant on the first floor of the property no. 2860, Churiwalan, Delhi. Thus, it is clear that the landlord had sufficiently proved ownership, relationship of landlord and tenant, purpose of letting and that the accommodation in his possession was only one living room with two stores within the living room. It has also come on record that the tenant had sent rent to the landlord through money order in compliance of a notice dated 16.4.2001.

8. The family of the landlord in this case is not disputed. The landlord's family consisted of himself, his wife and two grown up children; one son studying in college and one daughter studying in school. The learned ARC observed that the family's requirement was one bed room for parents, one bed room for each child, one study room for each child and one guest room, one drawing room, one Pooja room, etc. and found that the accommodation in possession of the landlord was highly insufficient and the landlord required this premises for his bonafide necessity.

9. The wife of the landlord had also filed two Eviction Petitions in respect of the second floor of the property bearing no. 621 and the same were allowed by the ARC. The Revision Petitions against the order of ARC were heard by this Court along with this Revision Petition and the Revision Petitions of the tenants has been dismissed. Even if 2nd floor becomes available to family , the requirement of the landlord considering his family, is such that the first floor and second floor together would not be able to meet the entire requirement. While first floor consisted of two rooms, the second floor also consisted of two rooms, Varendah, etc. Thus, if both the first floor and second floor of the premises are vacated, the landlord would have only 4 rooms for his use. The requirement of the landlord as observed by the ARC and as considered by this Court is one bed room for husband and wife, one bed room each for grown up son and daughter who are in the age of 21 and 18, one study room for each child since both are college going, one drawing room and one guest room apart from kitchen, latrine, WC, etc. The need of the landlord is absolutely bonafide. I find no ground to interfere in the order of learned ARC. The petition is hereby dismissed.

December 02, 2008

Sd./-
SHIV NARAYAN DHINGRA J.