

Daulat Ram (Dead) By Lrs and Another

Vs

Smt. Roop Rani

Civil Appeal No. 5504 of 1985

(A. P. Sen, V. B. Eradi JJ)

12.02.1987

ORDER

1. The subject matter in dispute in this appeal is rented land within the meaning of Section 2(f) of the East Punjab Urban Rent Restriction Act, 1949, and the only question is whether the respondent Smt. Roop Rani had made out a case of her personal requirement under Section 13(2)(ii)(a) of the Act. No doubt, the onus was on the landlord but all the courts have found on consideration of the evidence that that onus has been discharged. The High Court has upheld the concurrent findings of the Rent Controller and the appellate authority that she required the land in dispute, for her personal use and occupation. That being the finding of fact, there is no reason for us to take a different view.
2. The result therefore is that the appeal fails and is dismissed. However, we grant six months' time to the appellants to vacate the premises on furnishing usual undertaking in this Court within four weeks from today. We also make it clear that in the event the respondent intends to sell or let out the rented land within a period of five years from today, she would give first option to the appellants.
3. There shall be no order as to costs.

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